

RAILWAY LAW

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No.51/2001/QH10 of December 25, 2001 of the Xth National Assembly, the 10th session;

This Law prescribes railway activities.

Chapter I

GENERAL PROVISIONS

Article 1. - Scope of regulation

Railway Law regulates planning, investment, construction and protection of railway infrastructure, railway traffic means; rights and obligations of organisations and individuals in railway transport activities; traffic regulations and signals, and ensuring security and safety of railway transport; railway business.

Article 2. - Subjects of application

1. This Law shall apply to local and foreign organisations as well as individuals engaged in railway activities in the territory of the Socialist Republic of Vietnam;

2. Where international treaties which the Socialist Republic of Vietnam has signed or acceded to contain different provisions, the provisions of such international treaties shall apply.

Article 3. - Definition of terms and phrases

In this Law, the terms and phrases below shall be construed as follows:

1. *Cargo luggage* means goods, cargoes of passenger delivered for carriage in any passenger train in which the consignor does not travel.

2. *Common bridges* are those with bridge surfaces are commonly used for both railway transport and land road transport vehicles;

3. *Train operation* means the activities to operate the movement of railway traffic means;

4. *Possessions* mean evidences for railway transport vehicles to move into the station-to-station sections. Possessions include colour signals, semaphore signals, line cards, licenses, line notes.

5. *Load pass* means the regulations on maximum load per axle and load per average length meter on specific route, station-to-station section or depot-to-depot.

6. *Speed pass* means the regulations on the maximum speed of railway traffic means on specific route, station-to-station section or depot-to-depot

7. *Railway works* shall be construction works for railway transport purposes, including rail road-beds, upper works, bridges, culverts, tunnels, embankment, retaining walls, stations, water drainage systems, communications and signalling systems, electricity supply systems and other railways works and support facilities;

8. A *crossroad* means a level crossing between railways and land roads, which is built and exploited in accordance with allowance of Ministry of Transport.

9. *Railway station* means a place where the railway traffic means to stop, shunt, overtake, load and unload cargoes, pick up and deliver passenger, carry out technical works and other services. Station comprise works: the tracks of station, buildings of station, plaza, cargo warehouses, station yards, station platforms, fences, service areas and other necessary facilities.

10. *Super-weight* cargoes mean undetectable goods which weights exceed the prescribed loading capacity of the wagon and the route infrastructure.

11. *Super-long* cargoes mean undetectable bale with the actual sizes exceeding the size limits of the locomotives and cars of the corresponding gauges;

12. *Railway activities* means the activities of organizations and individuals in railway planning, development, investment; in ensuring security and safety of railway traffic and other related activities.

13. *Station platform* means the railway works that support the getting on and off the train of passenger and cargoes.

14. *Railway infrastructure* include railway works, railway work protection areas and railway traffic safety corridors

15. *Gauge* means the shortest distance between two inner sides of rails

16. *Depot-to-depot* section means a collection of a number of station-to-station sections and successive stations suitable to railway operation activities;

17. *Station-to-station section* means the railway section linking two adjacent stations, calculating from the station-exit signalling post of one station to the nearest station-entry signalling post of the opposite station;

18. *Level crossing* means the intersection of two or more rail lines on the same level;

19. *Grade crossing* means a place where two or more rail lines intersect on different ground levels;

20. *Railway traffic means* include locomotives, cars, self-propelled wagons and specialized vehicles on rail tracks;

21. *Railway public products and services* mean the products and services, which are necessary for railway transport and cannot be commercially operated in the market mechanism.

22. *A train* means railway traffic mean, formed by a locomotive and cars, single locomotive or self-propelled car and propelling specialized vehicles on rail tracks;

23. *Rail route* includes one or some continuous depot-to-depot sections in one direction from the departure station to the destination station.

Article 4. - Basic principles in railway activities

1. Basic principles are to ensure order, safe, smooth, exact and efficient railway transport activities; to contribute to the social-economic development and ensure the national security, defence and environment protection.

2. Railway shall be developed in accordance with planning, plans and modern and synchronously between infrastructure, other transportation means and sources, integrated with other transport modes.

3. The railway transport shall be centrally and united controlled.

4. There shall be clear delimitation of state management of state authorities and business management of enterprises; railway infrastructure business and railway operation on the State financed railway network.

Article 5. - Policies on railway development

1. The State shall focus on the development investment of national and urban railway infrastructure with modern orientation.

2. The State shall encourage domestic and foreign individuals and organisations participating in investment and exploitation of railway

infrastructure, railway operation, in public tender for railway public products and services.

3. The State shall ensure fair and non-discriminatory competition environment; protect the legitimate rights and interests for organisations and individuals of all economic sectors to invest in railway development and railway business.

4. The State encourages research and application of advanced technology and train of experts in order to develop a modern railway system.

Article 6. - Master plan for railway development

1. Master plan for railway development create the ground for developing detailed professional plans, investment and construction orientation, synchronized and united development of national railway traffic network; and creating conditions for exploitation of current potentials and improving railway's capacity.

2. Master plan for railway development shall be developed basing on socio – economic development strategy; meet the requirements of ensuring national defence and security; closely comply with master plan for other transport means development.

3. Master plan for railway development contain infrastructure development, traffic means, human resource training, science and technology, industry and support service network in railway sector.

4. Minister of Transport shall organize the development of master plan and submit to Prime Minister for approval.

Article 7. – Responsibility of state management over railway activities of the Government, ministries, ministerial level agencies, government-attached agencies.

1. The Government shall perform the uniform State management over railway communications and transport.

2. The Ministry of Communications and Transport is answerable to the Government for the performance of State management over railway communications and transport.

3. The Ministry of Public Security shall have to assume the prime responsibility for, and coordinate with the Ministry of Transport, people committees of provinces, central cities (hereafter called provincial people committees) and relevant ministries and branches in applying measures to

ensure social safety in railway communications and organizing police force to control, handle with violating activities toward people and means participating in railway transportation; reckon up and supply statistics on railway accidents.

4. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Transport in, managing the exploitation of natural resources inside and outside the railway land, surroundings of railway works protection corridor which affects the safety of railway works and/or railway traffic safety.

5. The Ministry of Industry shall have the responsibility to ensure the priority in supplying stable electricity sources for draught forces of electrified railways and railway communication and signaling systems.

6. The ministries, the ministerial-level agencies and the Government-attached agencies shall, within the scope of their respective tasks and powers, have the responsibility to coordinate with the Ministry of Transport in performing the State management over railway communications and transport.

Article 8. - Responsibilities for State management over railway of provincial people committees

1. To organize, direct the implementation of railway law and measures protecting railway infrastructure, protect railway traffic safety corridors; organise rescue operation, and settlement of consequences of railway traffic accidents occurred in their respective localities

2. To work out and organize the implementation of urban railroads development plans of localities.

3. To ensure railway traffic order and safety; to examine and handle violations of railway legislation according to competence in their respective localities;

Article 9. - Railway traffic inspectorate

1. Railway traffic inspectorate belongs to Inspectorate of Ministry of Transport taking responsibility for professional inspection of railway activities;

2. The organization, functions, responsibilities and rights of railway traffic Inspectorate shall be subject to the legal regulations on inspection.

Article 10. - Propagating, disseminating and educating in railway communications and transport legislation

1. Railway organisations shall have the responsibility to propagate the railway communications and traffic legislation to all people, civil servants and staffs under their respective management; coordinate with local authorities where railways pass by to propagate the people to obey the railway law.

2. Local authorities have the responsibility to propagate, disseminate and educate railway traffic legislation to all people under their respective management.

3. The information and propagation agencies shall have the responsibility to propagate and disseminate the railway traffic legislation regularly and widely to the entire population.

4. Education agencies shall have the responsibility to direct the education of railway traffic legislation in legal education centres.

5. Vietnam Fatherland front and members of organisations shall have the responsibility to co-ordinate with agencies and local authorities in propagating and disseminating the people to follow and implement the railway traffic legislation.

Article 11. - Responsibilities of individuals and organisations when railway traffic accidents occur

1. Upon the occurrence of railway traffic accidents, the train divers or other railway staff on train must urgently stop the train. The train master takes the responsibility for organize railway staffs on the train and people present at the places to rescue the victims, protect the properties of the State and the victims, and immediately thereon inform railway traffic controlling agencies, the nearest police offices or People's Committees and implement the following tasks:

a) To make records of the accidents and supply information related to the accidents on requirement of competent bodies if the trains and tracks are damaged,

b) To send people representing for the train master to stay and work with relevant authorities after having made the report of the accident and continue to run the train, if the trains and tracks are not damaged.

2. Other transport means drivers, when travelling through places where the railway accidents occur, must carry victims to emergency treatment, excluding vehicles performing urgent tasks.

3. Police offices and relevant individuals and authorities, upon receiving reports on accidents, shall have the responsibility to immediately come to the scenes for settlement

4. The People's Committees of all level where accidents occur shall have to co-ordinate with the police offices and railway enterprises in rescuing the victims, protecting their properties. In cases where human deaths cannot be identified, have no relatives or their relatives cannot afford the burials, the People's Committees shall have to organize the burial thereof.

5. All organisations and individuals must not obstruct the restoration of railways and normal railway traffic operation after the accidents.

Article 12. - Prohibited acts

1. Destroying railway works and railway traffic means.

2. Encroaching upon railway traffic safety corridors and Railway works protection areas

3. Opening crossroads, overpasses, tunnels and culverts across railways without permission;

4. Removing or falsifying railway constructions, facilities and fixed railway signals without permission;

5. Hanging objects that cover or make change of the railway signals.

6. Blocking the train running, giving signals or using equipment to stop trains without permission; except the case of recognizing incidents menacing the safety of railway traffic.

7. moving over crossroad's fence, cross the crossroad when red light is on, surpass fence between railway and surrounding areas

8. Pouring hazardous substances or putting obstacles, construction wastes on railways, putting inflammable, explosive substances within the Railway works protection areas.

9. Tending cattle and holding marketplaces on railways and within the railway traffic safety corridors.

10. Walking, standing, lying or sitting on railways, on roofs of cars or locomotives; clinging to sides of cars or locomotives or the couplings between carriages or between the locomotives and carriages; standing or

sitting on couplings or stairs of cars while trains are running, excluding authorized persons performing their duties;

11. Walking, standing, lying or sitting on the track, except railway staffs, polices on their working shift.

12. Throwing earth, rock or other things onto or from trains;

13. Carrying cargoes, which are forbidden to transport, animal with epidemic diseases and radioactive, inflammable, explosive substances, and wide animal into railway stations or onboard trains;

15. Transporting cargoes which are not allow to circulate and, illegal transport of wild animals,

16. Forging tickets, speculating tickets

17. Operating train over regulated speed.

18. Persons directly participating in train operation, when performing their tasks, their alcoholic contents exceed 80 mg/ 100 ml of blood or 40 mg/per litre of breathing air.

19. Make corrupt use of competences, which extort, annoy the implementation of tasks; make or allow acts violating railway law.

20. Other actions against the railway legislations.

Chapter II **RAILWAY INFRASTRUCTURE**

Section 1

PLANNING, INVESTMENT AND CONSTRUCTION OF RAILWAY INFRASTRUCTURE

Article 13. - Vietnam's railway system

1. Vietnam's railway system includes

a) National railways serve the common transport demands of the whole country and economic regions and international transport;

b) Urban railways serve the daily passenger transport demands in cities and sub-urban;

c) specialized railways serve the specialized transport demands of organisations, individuals.

2. The Minister of Transport shall publicize the national railways, urban railways and specialized railways integrated into the national railway, and publicize the open –close of routes, sections, and depot-to-depot sections.

3. The provincial/municipal People’s Committees shall publicize urban railways of their respective localities.

4. Ministries and provincial people’s committee shall publicize exclusive railways, which are not integrated into the national railways.

Article 14. - Railway infrastructure development planning

1. The railway infrastructure development planning must comply with the master development planning approved by Prime Minister, ensure national safety and security requirements and in accordance with development planning of regions, economic areas other transport branches. National railway infrastructure development planning should be programmed for each period of 10 years and contain the orientation of the following 10 years.

2. The railway infrastructure development planning must comply with the master development planning approved by Prime Minister; in accordance with socio-economic development strategy of each province and in accordance with development planning of other public transport modes. Development planning on urban railway is worked out for periods of 10 years and contains the orientation of the following 10 years.

3. Railway infrastructure development plan must be included in traffic development planning of special cities, 1st grade cities, national sea ports, international airports.

Article 15. - Formulate, approve and publicise the railway infrastructure development planning

1. The Ministry of Transport shall assume the responsibility to formulate and submit to the Prime Minister the state and urban railway infrastructure development master plans, to approve the detailed planning of railway infrastructure in each region, key railway transport area in accordance with the approved Master Plan.

2. The Provincial people’s Committees shall assume the responsibility to formulate urban railway infrastructure development plans after submitting to people council of the same level for initial approval and then submit to the Minister of Transport for approval.

3. The authority, which approves railway infrastructure development plans regulated at point 1, 2 of this Article, shall have right to amend the plans when necessary

4. Minister of Transport, Presidents of provincial people committees shall assume the responsibility to widely publicize and organize the implementation of land bordering in the site.

Article 16- Finance for railway infrastructure development planning

1. The central state budget shall cover the expenditure for programming, appraising, publicising and setting up landmark for planed area and adjusting national railway infrastructure planning.

2. The local state budget shall cover the expenditure for programming, appraising and setting up landmark for planed area and adjusting urban railways infrastructure planning

3. Except for finance resources regulated in clauses 1, 2 and 3 of this Article, budget for railway infrastructure development can be mobilized from other finance resources as promulgated by the law

4. Ministry of finance, in coordination with Ministry of Transport, Ministry of Construction, promulgates the unit cost for programming, appraising and setting up landmark for planed area and adjusting national and urban railway infrastructure planning.

Article 17- Railway land

1. Railway land means land for construction of railway works, land in railway works protection areas and land in railway traffic safety corridors.

2. Railway land must be used for the approved right purposes and must not be used for other purposes without permission; and be in compliance with provisions of Land Law

3. The concerned local People's Committees shall have the following responsibilities:

a) To preside over and co-ordinate with the investor in the implementation of land clearance and arrangement of resettlement.

b) To manage planned land for railway.

4. The new construction in planned areas after placing landmark will be not compensated when implementing of land clearance except the construction works that are subject to the article 33 of this law.

Article 18- Investment and construction of railway infrastructure

1. Investment and construction of railway infrastructure is to invest in constructing new infrastructure, improve technology; to upgrade and renew existing infrastructure; to implement electricified solutions, to modernize for signalling and communication system or for infrastructure operation.

2. Investors when constructing railway infrastructure shall obey:

- a) Approved planning, plans and projects
- b) Ensure the technical grade-based synchronism
- c) Ensure the scene and environment protection

3. Investors when constructing national railway infrastructure, urban railway infrastructure should be enjoyed the following preferences:

a) Being allocated free tariff lands, which are used for constructing the route. Being rented with the most privilege rate for lands used for constructing other railway infrastructure works.

b) Being compensated fully the cost for railway land clearance for construction of railway route.

c) Enjoying tax exemption and reduction on importing materials, technologies, technical facilities which domestic companies have not been able to produce in accordance with legal provisions on taxation.

d) Other preferences as prescribed by the law

4. Railway works, after being completely constructed, upgraded, renewed, must be pre-acceptance- tested by competent agencies.

5. Ministry of Transport, specialized branch- managing ministries, provincial people committees shall announce the list of projects calling for investment capital in specific periods and list of projects which have licensed in the scope of specific competence authorities.

Article 19. - Railway connection

1. Positions for connection of domestic railway lines must be located at railway stations. The Minister of Transport shall prescribe the order and procedures of licensing the connection of urban railways and specialized railways to national railways.

2. Only national railway shall be allowed to connect to international railways. The Prime Minister shall decide the connection between national railways and international railways.

Article 20. - Railway gauges and technical standards of railways

1. The national railways have the gauges of 1435 mm and 1000 mm. The urban railways have the gauges of 1435 mm or monorail. Specialized railways not integrated into the national railway have the gauges determined by organisations, individuals due to their usage requirements

2. The railways are classified according to different technical grades. The Minister of Transport shall specify the standards of technical grades of railways.

Article 21. - Railway stations

1. Railway station includes:

a) Passenger station constitutes a system for receiving and sending passengers, operating services relating to passenger transport and technical services; Passenger station must have facilities supporting the old and the disable.

b) Freight station constitutes a system for receiving, sending, loading and unloading, protecting cargos and other operations and services relating to cargos transportation.

c) Technical station means a system for operating technical services of locomotive and wagon supporting train operation;

d) Mixed station is a station meeting all conditions regulated at item a, b and c of this clause.

2. Railway stations should have names, duplicate name is not allowed. At stations which have several lines for receiving and sending passengers, there should be boards of platform name indicating direction of train. Rail tracks within stations must have clear code, duplicate code is not allowed.

3. Stations must be equipped properly emergency exists; fire fighting facilities and tools which are always read for use; lighting, ventilation and environmental sanitation systems.

4. The Minister of Transport shall prescribe the technical procedures of exploitation and technical standards of railway stations and publicize the opening and closing of railway stations.

Article 22. - Works, facilities and fixed signals on railways

1. Works, facilities and fixed signals on railways include:

- a) Signal posts, signal lamps;
- b) Signboards, sign markers;
- c) Signs;
- d) Barricades, barriers;
- e) Boundary markers;
- f) Other signals.

2. Works, facilities and fixed signals on railways must be adequately constructed and installed for the respective railway technical grades and types; and must be regularly tested and maintained in safe working conditions.

Article 23. - Railways intersections and intersections between land roads and railways

1. Newly constructed railways must intersect at different levels, excluding where specialized railways intersect other specialized railways.

2. The construction of intersection between land roads and railways must be organized at different ground levels in the following cases where:

- a) Railways which have the designed speed of 160km/h at least intersect land roads.
- b) Railways intersect land roads of grade III or higher grades and urban roads
- c) Urban railways intersect land roads, excluding tram line.

3. When building new railways, the investors in the construction of railways works shall have to build the intersections in accordance with the clause 1 and 2 of this article; when building new land roads, the investors in the construction of land roads shall have to build the intersections in accordance with the clause 2 of this article.

4. Other cases which do not subject to the regulations in Clause 2 of this Article and when do not have sufficient conditions for grade crossings, Ministry of Transport, people committees of all levels, investors or individuals, organizations wanting to cross the railways must obey the following regulations:

- a) At places where the construction of level crossings is allowed, regulations of Minister of Transport shall be obeyed.
- b) At places where the construction of level crossings is not allowed, collection roads shall be constructed outside the railway traffic safety

corridors in order to lead to the nearest crossings or different level intersections.

Article 24. - Railways and land roads run in parallel

1. For railway and newly built land road sections running in parallel, a distance not smaller than the maximum value of the railway traffic safety corridor or land road traffic safety corridor must be ensured between them. If this regulation cannot be followed due to topography reasons, the protective works separating the railways from the land roads must be built on the land roadsides close to the railway, excluding the case that the rail tracks are at least 3 meter above the road surface.

2. Where the rail road and land road run in vertically parallel at different ground levels, the vertical distance between the top of the lower one and the lowest point of the higher one must legally ensure the clearance space of the lower one.

Section 2

PROTECTION OF RAILWAY INFRASTRUCTURES

Article 25. - Protection of railway infrastructures

The protection of railway infrastructure covers activities of ensuring safety and lifetime of railway works; measures to prevent, handle acts of God, accidents; prevent, stop and handle acts of infringing upon railway works, railway works protection area and railway traffic safety corridors.

Article 26. - Railway works protection scope,

The railway works protection scope includes:

1. Railway protection scope
2. Railway bridge protection scope
3. Railway tunnel protection scope
4. Railway station protection scope
5. Railway communication, signalling and electric works protection scope
6. Underground protection scope

Article 27. - Railway protection scope

The railway protection scope includes land along the road, the space above and under roadbed and is regulated as follow:

1. Protection scope for space above of roadbed measuring from the top track in vertical direction is 5.3m for gauge 1,000 mm and 6.55m for standard gauge of 1.435mm. The distance between the railway line and the electricity transmission line over crossing the railway line is subject to the Law on Electricity.

2. Protection scope for land along railways is:

a) For non-embanked or non-dug roadbeds, it is 7 m measuring from the outer edge of the outmost rail outwards;

b) For embanked roadbeds, it is 5 m from the foot of the roadbed or 3 m from the outer edge foot of the horizontal sewage ditch outwards;

c) For dug roadbeds, it is 5 m from the top edge of dug road or 3 m from the outer edge or top sewage ditch outwards.

3. Protection scope for under roadbed is stipulated at Article 32 of this Law.

Article 28. - Railway bridge protection scope

1. The scope of railway bridge protection covers the bridge and the aerial space, land areas and land area with water around the bridge.

2. The vertical overhead protection limit of the bridge is 2m from the highest point of the bridge structure upwards. If the bridge has handrail only, the vertical overhead protection shall not be shorter than the limited height stipulated in Clause 1 of this article 27.

3. The lengthwise protection limit of the bridge shall be as follows:

a) For bridges with protection signal posts, it is calculated from the protection signal post on one end of the bridge to the protection signal post on the other end of the bridge;

b) For bridges having no protection signal posts, it is calculated from the end of the abutment on one end of the bridge to the end of the other abutment plus 50m to each end of the bridge.

4. The breadth wise protection limit shall be as follows

a) For bridges inside cities, urban centres, it is 5m from the outer edge of the outmost handrail to each side of the bridge;

b) For bridges inside cities with over 20 m long and bridges outside cities, urban centres, it is 20m from the outmost edge of the bridge structure outwards to each side of the bridge, for bridges of under 20 m long; 50 m for bridges of between 20m and under 60m long; 100 m for bridges of between 60m and under 300m long; 150m for bridges of over 300m long.

Article 29. - Railway tunnel protection scope

The railway tunnel protection scope covers the tunnel and the land areas as well as aerial space around the tunnel, 50m from the outmost point of the tunnel structure outwards. In special case, when the tunnel protection scope does not meet this provisions, special technical measures are necessary for safety and must be approved by the Minister of Transport.

Article 30. - Protection scope of railway station areas

The protection scope of a railway station area shall cover fences, boundary markers, land areas within the fence walls of the station or inside the boundary markers and the area from outside the protection scope of the station-entry signal post on one end of the station to outside the protection scope of the station-entry signal post on the other end of the station.

Article 31. - Protection scope of railway communications, signalling and electric supplying works

The railway communications and signalling works protection scope covers the entire works and the aerial space and land areas around such works as follows:

1. The railway communications, signalling and electric supplying post protection scope shall be 3.5m counting from the hearts of the post outwards.
2. The railway communications, signal and electric line protection scope shall be 2.5m from the outmost wire lines outwards along the horizontal and vertical directions.

Article 32. – Protection scope of under roadbed

Minister of Transport decides protection scope of under roadbed of railway works when there are works constructed under railway works.

Article 33. - Construction and activities within railway works protection areas

1. The following works and activities when have to be constructed or operated within protection scope must be licensed as provisions promulgated by the Minister of Transport.

2. Investor or organisation, individual executing the works or operating other activities within protection area shall obey the following regulations:

a) Have opinion of railway infrastructure management enterprise in written form when preparing projects; operating other activities

b) Have measures ensuring safety of railway works and railway transport approved in written form by railway infrastructure management enterprise before executing works or operating other activities

c) When finishing the works or other activities, impediments created by the construction of railway works or operation of activities which possibly affect safety of railway works, railway transportation should be eliminated; handling construction completion documents to the infrastructure management enterprise;

3. The investors, individuals and organization that operate other activities within protection area shall compensate for damages caused to railway works and safety of railway transportation in accordance with laws.

Article 34. - Project construction, natural resource exploitation and activities nearby railway works protection areas

1. The project construction, natural resource exploitation and implementation of other activities nearby the railway work protection area shall still have to ensure safety of railway infrastructures and railway traffic safety corridors.

2. In case the construction, exploitation of natural resources and implementation of other activities may affect the safety of the railway works and railway transport, the investor of the construction works, organisations or individuals who exploit the natural resources and implement other activities, must apply necessary safety protection measures for the railway works and railway transport.

3. Investor of construction works, organisation, individual executing natural resource exploitation and other activities shall compensate for damages of their fault to railway works and safety of railway transportation.

Article 35. - Railway traffic safety corridors

1. The railway traffic safety corridor limits are specified as follows:

a) The limited overhead height from the rail top upward along to the vertical direction shall be stipulated in clause 1 of article 27 of this law.

b) The width to both sides of the railways, calculating from the outmost edge of the roadbed to each side and the top edge of embarked railroad and the outmost edge of level railroad shall be 15m for railways in the station-to-station sections; 2m for railways in railway stations, ports, within fence walls of enterprises.

2. In the area of intersection between railways and land roads, the railway traffic safety corridors shall be regulated according to the grade of the crossroad in order to ensure the vision of traffic participants.

3. In the area of railway traffic safety corridor, it is allowed to plan only plants which are not higher than 1,5m and must be at least 2m away from the outmost edge of the rail, at least 5 m away from left side of dug lines or 3m from outmost edge of vertical sewage ditch of line or upper sewage ditch

4. Minister of Transport shall prescribe in detailed the railway traffic safety corridor at crossroad areas, urban railroads.

Article 36. - Responsibility to protect the railway infrastructures

1. Railway infrastructure enterprise shall have to frequently examine, repair and maintain railway works to ensure the safe and smooth railway transport.

2. Organisations and individuals who use the infrastructure for railway operation shall have the responsibility to follow the safety regulations on railway infrastructure.

3. The People Committees at all levels in the areas where railways cross have the responsibility to organize propaganda and education activities on the people to protect railway infrastructure, organize prevention activities and properly solutions against acts of infringing upon railway infrastructure and railway traffic safety corridors.

4. All organisations and individuals shall have the responsibility and obligation to protect the safety of railway works and railway traffic safety corridors, and participate in rescue activities when railway works are damaged. When discovering damaged railway works or acts of infringing upon railway infrastructure, organisation or individual shall immediately inform the people committees, railway infrastructure enterprise or the nearest

police stations. The people receiving the information shall carry out necessary activities in order to ensure the safety of railway transport.

5. For railway works of special importance, the Ministry of Transport shall co-ordinate with the Ministry of Public Security and/or the Ministry of Defence in organizing the protection thereof.

6. Any acts of infringing upon railway works and railway safety corridors shall be timely discovered and settled strictly and clearly in accordance with legal provisions

Article 37: Prevention, handling with incidents, acts of God, accidents to railway infrastructure

1. Railway infrastructure enterprise shall assume the responsibility to preside, in co-ordination with people committees of locals where railways cross and related organizations, individuals, over the prevention and handling with incidents, acts of God and railway transport accidents.

2. When incidents, accidents or acts of God occurred damaging railway infrastructure, railway infrastructure enterprise shall assume the responsibility to properly organize measures to deal with consequences, recover traffic of the routes, recover railway infrastructure ensuring technical and safety standards and environment protection.

3. In cases incidents, accidents block railway traffic, railway traffic controlling organization shall assume the right to mobilize all facilities, materials, human sources and preside over, in coordination with local people committee where incidents occur, organization of handling consequences, recovering transport on the route. Organizations, individuals who are mobilized should obey and be compensated.

4. Organizations, individuals causing incidents, accidents must properly cover costs for the recovery of incidents, accidents, compensate for damages and shall be judged as provisions of law.

Chapter III

RAILWAY TRAFFIC MEANS

Article 38: Conditions for operation of railway traffic means

Railway traffic means, when being put into operation, must have ownership registration certificate; valid inspection certificates of satisfaction of the quality, technical safety and environmental protection standards.

Article 39: Registration of railway traffic means

1. Railway traffic means with the following conditions shall be granted registration papers:

a) Lawful origins

b) Satisfaction of Technical safety and environmental protection standards.

2. Railway traffic means must be re-registered upon the change of their utility properties or the change of their main technical parameters

3. Upon the transfer of their ownership, the new owner has to submit legal transfer documents, in-force certificate of technical and environmental satisfaction in order to re-register the ownership.

4. Railway traffic means owners must make declaration for deletion of names and have their registration papers withdrawn in the following cases:

a) Their railway traffic means are no longer used for railway traffic.

b) Their railway traffic means are lost or damaged

c) Their railway traffic means are changed in ownership

5. The Minister of Transport shall prescribe the registration regulation for railway traffic means.

Article 40. - Inspection of railway traffic means

1. The railway traffic means being manufactured, assembled in Vietnam must be in conformity with the design that has been approved in term of quality, technical safety and environmental satisfaction by Vietnam Registration agency or foreign registration agencies authorised by Vietnam Registration agency.

2. Railway traffic means under process of manufacturing, assembling or after being transformed, restored must be monitored in term of quality, technical and environmental satisfaction by Vietnam Registration agency or foreign registration agencies authorised by Vietnam Registration agency .

3. Railway traffic means being in the course of exploitation must be periodically inspected and granted certificates of satisfaction of quality, technical safety and environmental protection standards by the registries.

4. Railway traffic means owners shall have to repair and maintain their means to ensure the quality, technical safety and environmental protection standards between two periods of inspection by the registries.

5. When conducting the inspection, railway traffic means registries must comply with the process and standards of Vietnam and standards of the industry. The heads of the registries and the persons directly performing the inspection must bear responsibility for the inspection results.

6. The Minister of Transport shall prescribe quality, safety technical and environmental protection standards of vehicle; prescribe standards and the unified implementations of organizing the inspection of railway traffic means.

Article 41: Necessary information and instruction on rail traffic means

1. On railway traffic means, there should have the sign of Vietnam Railways, sign of the owners, place and year of installation, name of management enterprise, size, axle load, dead weight, load weight, code and type, capacity and force transmission type.

2. In addition to regulation at Clause 1, for passenger cars, there shall be instruction boards or communication means that instruct and inform passenger about train route and name of station along train lines, train running speed, solutions when fire or accident happens, train rules.

3. Information and instructions shall be clear, understandable; information boards shall be at the position that is easy to recognize and read.

Article 42. Braking equipment, linking hook

1. Locomotives, wagons, self-propelled wagons and rail cars should have automatic braking equipment, manual brakes. Brakes shall always be in good conditions, ensuring high safety level and easy to use.

2. In all passenger cars and at train master's working place, there shall have emergency brake valve. Emergency brake valve should be periodically inspected and sealed.

3. In some passenger cars and at train master's working place, pressure meter must be installed.

4. Linking hook between locomotives and wagons should be installed with right types suitable with each model and type of locomotive and wagon.

Article 43: Equipment on railway traffic means

1. Railway traffic means shall be equipped with rescue hammer, fire fighting tools and materials, first-aid facilities and medicines, choke, tools and materials for simple repair, portable signals.

2. On locomotive, self-propelled wagons and railway specialized self-propelled means there shall be speed meter, speed and other information recording equipment (black-box), warning equipment for driver. At the train captain's working place, there shall have speedometer and communication with the train driver.

3. On passenger cars there shall be lights, ventilation, cooling equipment, and equipment supporting the disable, sanitary facilities except of urban train.

Article 44. Railway traffic means that are temporary terminated to operate

1. Railway traffic means shall be temporary terminated to operate in the following cases:

- a) Inspection certificates expire
- b) Railway traffic means do not meet the technical and safety standards

2. The movement of broken railway traffic means to workshops, newly imported railway traffic means and railway traffic means under test operation shall be in accordance with railway process and standards.

Article 45. - Import of railway traffic vehicles

Imported railway traffic means must be in conformity with the Vietnamese railway technical standards; have the quality, technical safety and environmental protection standards certificate issued by Vietnam Registration Authority or foreign registration agencies accepted by the Vietnam Registration Authority. Import of railway traffic means shall be done in accordance with laws.

Chapter IV

**RAILWAYMEN DIRECTLY PARTICIPATING IN RAILWAY
TRANSPORT**

Article 46. - Conditions for persons directly participating in railway transport

1. The persons directly participating in train operation include:
- a) Train captains;
 - b) Train drivers; Train assistant- drivers
 - c) Train running controllers (dispatchers);

- d) Direct station train operators
- e) Chief shunters;
- i) Switchmen;
- j) Couplers;
- k) Railway, bridge and tunnel patrollers;
- l) Crossroad, common bridge, tunnel guards;

2. The direct participants in railway transport as prescribed in clause 1 of this Article, while being on duty, must fully satisfy the following conditions:

a) Possessing suitable professional-practice licenses, certificates issued by the training institutions accepted by Ministry of Transport.

b) Being given periodical health **examinations** in accordance with regulations by the Health Ministry.

c) For train driver, apart from the conditions prescribed in Clause 2 of this article, must possess train driving license.

3. During performance, direct participants in train operation shall have the following responsibilities:

a) To fulfil all tasks as stipulated in the respective title, in accordance with codes and standards.

b) To absolutely obey train operation commands, regulations and guidelines of the managers.

c) To wear right uniform, insignia, title and nameplate as regulated.

4. Minister of Transport shall prescribe the content, training curricular, conditions of training institutions; the criteria for the train titles stipulated in this Clause 1; content, examination process and organization of issuing, renewing and withdrawing train driving license.

Article 47- Train driving license

1. Train driving license is the certificate issued to the person who directly **drives** the railway traffic means.

2. The person who owes the certificate shall be only allowed to drive the types of railway traffic means that are specified in the driving license.

3. The applicant for the train-driving license must fulfil the following conditions:

- a) Being at age range from full 23 to 55 years old for men, and from full 23 to 50 years old for women; holding health certificate
- b) Having professional graduation certificate on driving the railway traffic means issued by training institutions.
- c) Having continuous working period, not less than 24 months as driving assistant.
- d) Successfully passing the exam of driving such types of railway traffic means as specified in his intended driving license

Article 48: Train captains

1. Train captain is the person with highest power on block train, responsible for ensuring safety, security and order; serving customer; operating the train as schedule and commands of train operators, in accordance with procedures and standards of railway traffic; handling with railway traffic accident as regulated at Article 11 of this Law
2. During train itinerary, train captains are entitled to temporally hold in custody persons committing criminal acts, violating orders and safety on the train in accordance with provisions of law and have to pass that person to station masters or polices, local authorities when train stop at the nearest station.
3. In urgent case of ensuring train safety, train captain has the right to give necessary orders toward passenger on the train and has to report immediately to the railway line train operators or the nearest station about the urgent situations.
4. Train captain can refuse to operate train, if it seems to be not enough safety for operating the train; refuse to receive staff working on the train that are lack of professional skill and health, temporarily stop the job of staff who have acts violating rules during their performance on the train. The train captain must report to competent levels for decision when executing the refusal right as stipulated at this clause.
5. Train captain is responsible for making report with the present of 2 witnesses about birth, death, injury occurred on the train; train captain can command stopping the train at where is most convenient for emergency activity and has to pass that person along with his/her property, related document to station master, hospital, police, local authority.
6. Before and during train operation, train captain is responsible for carrying out inspection to ensure that trains meet needed safety conditions and other issues related to safety of traffic means and people.

7. Making diary, reports, documents related to train path.
8. In case of having many trains on a mixed train the captain of the last train shall be responsible as the train captain of the mixed train.

Article 49. Train drivers & Train assistant- drivers

1. Train driver is the person directly control the train, responsible for safely operating locomotive , at the right speed, right path as describes in timetable, in accordance with train running command, law provisions, procedure and standard issued by competent agency; handling with railway transport accident as regulated at Article 11 of this Law.

2. Driver shall only be entitle to direct the train if he has train driving license.

3. Train driver can refuse to operate locomotive, if it seems to be not safe enough for operation and report immediately to competent agency for decision.

4. Before running the train, train driver is responsible for checking and confirming possessions allowing occupying the station-to-station depot, clearly identifying signals of train captain and of direct railway station operators, even when running single locomotive.

5. When performing assigned tasks, train driver is responsible for checking technical situation of locomotive and other issues relating to safety of locomotive, safety of train operation as regulated.

6. When performing assigned tasks, train driver and train- assistant driver must be of sound mind to follow and implement exactly the instructions of sings, signing boards, signing posts along the route, observe situations of line and bridge and signals.

7. When operating the train, train driver must check affect of automatic brake in accordance with process and standard, especially in case train climbs or goes down a high and long slope

8. Train assistant driver is the person assisting train driver during train driving process, monitoring train speed and observing signals in order to timely inform the train drivers for solutions.

Article 50. Train running controller (dispatcher)

Train running controller means the person who directly commands the train operation in accordance with the timetable in his assigned route, depot-to-depot section; directly orders to organize rescue trains when incidents

occur; commands to block station-to-station section, gives speed warning commands to concerned units; commands to temporally terminate the operation of train if it seems to be not safety for train operation.

Article 51. Direct railway station train controller

1. *Direct station train controller* mean the persons controlling the establishment of train , freight loading and unloading, passenger services, shunting activities, train receiving and sending, and other related activities in stations in accordance with time table, train operation commands, railway codes and procedure, and participating in handling railway incidents accordance with the article 11 of this law.

2. Direct station train controller can refuse the operation of train, if it seems to be not safe enough and must inform immediately train running controller.

3. Direct station *train controller* take responsibility for controlling needed safety conditions in accordance with regulations on technical standards, professional standards, and other issues relating to safety for transport means, facilities, freight and people during their missions .

Article 50. Switch man

1. Switch man means the person under direct management of direct station train *controllers* managing, controlling, using switch for organisation of train operation in accordance with time table, train operation commands, procedure and detailed technical management rules of stations.

2. Switch man takes responsibility for controlling safety conditions in accordance with regulations on technical standards, professional standards, and other issues relating to safety of train operation during performance of tasks.

Article 53. Shunting man, connector

1. Shunting man means the person, under management of direct station train operators, organizing and implementing wagon- locomotive shunting activities to support organisation of train operation, freight loading/unloading, passenger services at stations in conformity with train operation commands, procedure and detailed technical management rules of stations.

2. Connectors mean the person under direct management and command of shunting men to implement locomotive, wagon shunting activities in

accordance with process and procedure and detailed technical management rules of stations

3. Shunting man, connectors takes responsibility for controlling safety conditions in accordance with regulations on technical standards, professional standards, and other issues relating to safety during performance of tasks.

Article 54. Railway, bridge, tunnel patrollers; tunnel guards, crossroads and common bridge guards

1. Railway, bridge, tunnel patrollers, tunnel guards shall assume the following responsibilities:

a. Frequently control, monitor and properly detect failure, obstacle and have solution to ensure safe train operation within patrolling section; make record into patrolling note book and report to authority level as regulated.

b. To repair, timely solve small failures, obstacles; participate in bridge, tunnel, and railroad maintenance as assigned.

c. To timely protect, stop train when failure, obstacle occurs menacing railway transport safety, to participate in protection of railway infrastructure and railway traffic means running within managing, guarding area.

2. Crossroad, common bridges guards shall take the following responsibilities:

a. to timely close and open barrier ensures safety for people and transport means participating in road transport when railway traffic vehicles running over crossroad.

b. to directly check, maintain, use facilities, works and crossroad tools as regulations on technical standards and codes, professional procedures.

Chapter V
URBAN RAILWAY

Article 55. Urban railway types

1. Urban railway includes underground metro, light railway, monorail with automatic direction, tram operating.

2. Urban railway system is invested, constructed, managed and exploited by the provincial people committees.

Article 56. Urban railway development policies

1. The state shall attract all resources to develop urban railway system as one of key transport modes in big cities.

2. Provincial people committees propose policy on construction, special priorities in order to attract all resources to construction and exploration of urban railway.

3. The organizations and individuals who invested in construction of urban railway systems shall enjoy the following priorities:

a) to enjoy priorities as regulated at Clause 3 Article 18 of this Law.

b) The Government shall support partially the total investment for approved urban railway projects financed by State Budget.

4. Every year, the Government shall extract an amount from the State Budget to support expenses for public transport services in cities including urban railway transport.

Article 57. Conditions for investment project formulation

1. The formulation of urban railway investment project should meet the following conditions:

a) Central cities and provincial urban centres must meet the socio-economic conditions regulated by the Government.

b) Plans for investment in urban railway must be approved by provincial people committees.

c) Projects in comply with urban transport development planning of provinces, central cities.

d) Investors must have sufficient financial sources to develop the urban railway project and ensure the stable, long-term and effective operation of the system after completion.

2. The Government shall stipulate the implementation of clause 3, 4 of the article 56 of this law and conditions for cities and provinces, which shall be allowed to develop urban railways.

Article 58. Basic requirements for construction of urban railway infrastructure.

The construction of urban railway infrastructure should meet the following basic requirements:

1. In accordance with technical standards for urban railway, ensuring the technical quality of the railway works as stipulated by Minister of Transport
2. To ensure the connection to other urban public transport modes and the national railway for easy transit of the passengers.
3. To meet the public passenger transport demand in long term in accordance with the urban development policies.
4. Do not damage urban landscape and be friendly with environment

Article 59. Urban Railway bridge, tunnels, station and stop

1. Bridge pillar lying beside land transport routes or metro tunnel pillars at dangerous position should be strong enough in order to bear crash of traffic means.
2. Urban railway tunnel shall be equipped with fire protection and fighting, be strong enough during fire; ensure the dry condition and avoid flood; have ventilation system, emergency exists and rescue system.
3. Urban railway station and stop shall have signs and instructions about routes, stations and stop on the route; ensure convenient and safe movement of passengers; have facilities providing information, selling tickets and controlling the passengers getting on and off the train and in and out the station; have emergency telephone, medicine first aid facilities and reserved electric sources for metro stations.

Article 60. Urban railway infrastructure works protection area and safety corridor

1. Urban railway infrastructure works protection areas and safety corridors should ensure traffic safety for transport vehicles and traffic users and be suitable with urban railway transport mode as well as urban geography and structure.
2. Minister of Transport shall prescribe infrastructure works protection areas and safety corridors for specific urban railway transport mode.

Article 61. Urban railway infrastructure management and maintenance

1. The urban railway enterprise shall be responsible to maintain state financed infrastructure through public tender or public service orders by provincial people's committee

2. Provincial people's committees shall stipulate the management, maintenance of the urban railway infrastructure invested by organisations and individuals.

Article 62. Urban railway operation

1. Urban railway operation is conditional business.

2. Provincial People Committees shall determine price of urban railway ticket. Subsidize to urban railway shall be implemented through contract between the Provincial People Committees and the urban railway operators.

3. Urban railway operators should ensure safety, punctuality and frequency of train operation

4. Urban railway operators should buy civil liability insurance as regulated by Law on Insurance.

Chapter VI.

RAILWAY TRAFFIC RULES AND SIGNALS

ENSURING RAILWAY TRAFFIC ORDER AND SAFETY

Section 1

RAILWAY TRAFFIC RULES AND SIGNALS

Article 63- Railway traffic signals

1. The railway traffic signal system comprises orders of person operating train, colour light signals, semaphore signals, signboards, flares, torches and signals of trains. Signal's display means orders and conditions for train operation and shunting.

2. Orders of person operating train may be expressed by banners, whistles or telephone, lights and hand signals

3. The colour light signals are those that signal the train drivers to operate their trains to enter or exits stations, to get through stations, to stop.

4. Semaphore signals are those that signal the train drivers to operate their trains to enter or exit stations, to get through stations, to stop at places where colour light signals are not available yet

5. Signal boards are classified into two groups:

a) Signal boards providing necessary information for train drivers;

- b) Signboards and sign markers compelling train drivers to observe.
- 6. Flares, torches, red lights, and things held and rotated by hand signalling emergency stop.
- 7. Signals of train, including lamps, whistle, signboard at the end of train and banners.
- 8. The Minister of Communications and Transport shall prescribe in detail railway traffic signals.

Article 64. Train operation commander

- 1. At each station-to-station section, train operation shall be under command of one train running controller. Train operation orders of superior shall be through train running controller. Direct station train controller, train captain, train driver shall absolutely obey command of train running controller
- 2. In the area of station, direct station train controller is the commander of train operation. Train captain or train driver of single locomotive shall obey command of direct station train controller or display of train operation signals.
- 3. On the train, train captain is the commander for safe train operation.
- 4. On the single locomotive, urban train, the driver is the commander.

Article 64. Train running speed

- 1. Speed shall not be over the speed pass for each route, depot-to-depot section and station-to-station section and the timetable.
- 2. In any railway section there is warning signs indicating speeds different from speeds regulated in speed pass; train shall run at the lowest speed for safe operation.

Article 65. Establishment of train

- 1. The establishment of train shall be in accordance with railway technical codes and procedures.
- 2. Before being installed into a block train, all wagons should pass standard checking.
- 2. It is not allowed to link into passenger train wagon carrying animals, stink goods; wagon carrying dangerous goods, explosive materials, inflammable materials, toxic and other dangerous goods.

Article 67. - Shunting trains

1. Shunting of train is movement activities of locomotives and wagons from this position to other position in the area of station, station-to-station section. The shunting of train shall be done in according to commands of station operators or direct station train controller s.

2 Train drivers, during shunting process, must obey the direction of the chief shunters

Article 68. - Driving trains

1. When driving a train, the driver shall follow the below rules:

a). When operating train to run from stations, through stations, to stop, give ways or overtake in the stations, train drivers shall obey the orders of direct station train controllers.

b. Into station-to-station sections only when having possessions,

c) Into stations, through stations by colour light signals or semaphore signals and signals of direct station train controllers.

d) Running the train at the speed stipulated in the article 65 of this law.

e) During the operation of the train, the driver and his assistant in their working shift are not allowed to leave the working places.

2. For passenger train, the train shall only be allowed to departure when all passenger doors are closed and the door shall be only opened when the train had stopped at stations.

Article 69- Giving ways, overtaking by train

1. Giving ways or overtaking by train shall only be allowed at stations.

2. Train driver shall operate giving ways or overtaking on the national and specialized railway system on orders of direct station *train controllers*; and on orders of urban railways train operators for giving ways or overtaking on urban railways.

Article 70. – Halting, reversing trains

Train drivers must halt the train when seeing the halting signals; where they realize circumstances jeopardizing the train safety or receiving signal of urgent halting train, they shall be allowed to stop or urgently reverse the train. In case of urgently halting or reversing the train, train master, train driver

shall assume the responsibility to inform the station in accordance with regulations on train operation process.

Article 71 - Traffic at crossroads, common bridges, tunnels

1. At crossroads, common bridges and tunnels, the priority right shall belong to trains.

2. Train drivers must blow whistles when travelling through crossroads or switch on light when travelling in tunnels.

3. Land road transport users, when travelling on land road-railroad intersections and common bridges must comply with regulation article 23 of land road transport law.

4. At the crossroads, common bridges with guards, when signal lights are out of order or wrong signal or land road barriers are broken, the crossroad guards and common bridge guards must direct traffic.

Article 72- Obey railway traffic signals

1. The person directly participating in train operation must obey railway traffic signals.

2. Train drivers must abide by signals in order to ensure safety for people and transport means when simultaneously receiving many different signals or unclear signals; where appear signals of direct operators they must abide by the signals of such persons.

3. In case of trams that participate in road traffic, the drivers have to obey the road traffic signals.

Section 2

ENSURING RAILWAY TRANSPORT ORDER AND SAFETY

Article 73. – Activities ensuring railway transport order and safety

1. Ensuring railway transport order and safety covers activities:

a) Ensuring safety for people, means, property of the State and people in railway transport activities.

b) Ensuring the united and centrally control of railway transport in the national and urban railways.

2. All organisations and individuals must follow railway legislation.

3. All acts of breaking railway transport order and safety must be detected in time and severely handled according to law.

4. Organisations, individuals participating in railway transport, railway security force, police, and local authorities of all levels in the area where railway cross shall take responsibility to ensure safety, order and security of railway transport.

Article 74 - Railway transport controlling

1. The railway transport controlling shall consist of the following activities:

a) To make timetable and path allocation, ensuring non-discrimination among railway operators; publicize the timetable.

b) To centrally and united control the train operation, ensuring the safety and smoothness of train operation in according to the published timetable, paths, codes and standards, the management commands.

c) To give commands in solving emergent and unforeseen problems in railway transport; to mobilize vehicles, equipment and human resources of rail operators supporting railway rescue and incidents recovery activities; to participate in analysing reasons of problems and defining measures to avoid the incidents; to request infrastructure operators, railway transport operators to apply measures to prevent incidents, improve quality, reliability, safety of railway transport.

d) to temporarily terminate the traffic in case it seems to be unsafe for the traffic; to adjust time table and train path on each section, route and the whole network to recover the time table after accidents or break-downs.

e) To sign **contracts** with railway infrastructure operators on using railway infrastructure for railway transport; to sign contracts with railway transport operators on supplying controlling and other services related to railway transport;

g) To gather and classify information related railway transport control activities;

h) To ask the competent state management authority to withdraw the safety certificate of railway business enterprises in case the unit find that the enterprises do not meet requirements stipulated in the safety certificate;

i) to coordinate with international railway organisations in controlling international railway transport

2. Finance resource for Railway Transport controlling activities in national and urban railways consists of:

- a) Fees for railway transport **controlling** services
- b) Other sources in accordance with laws.

Article 75. Safety certificate

1. In order to be allowed to participate in railway transport operations, every railway business enterprise shall have safety certificate issued by the railway state management authority.

2. Railway business enterprises shall be granted safety certificate when meeting the following conditions:

a. Management staff, control staff and service staff of that enterprise is trained in accordance with their title and professions.

b. Railway traffic means owned or rented by that enterprises shall meet the technical and safety requirements checked by Vietnamese registration agency and comply with the infrastructure.

c. The railway infrastructure of the railway infrastructure enterprises shall be safe and comply with the railway technical grade announced by the enterprise in its speed pass, load pass, information relating to railway transport.

3. Minister of Transport shall prescribe conditions, contents and procedure of safety certificates and types of enterprises that must have safety certificates.

Article 76. - Train timetable

1. Train timetable shall be a basis for organizing train operation, established annually, periodically or seasonally for specific route or the whole network. The timetable shall be established on the principle of non-discrimination and openly publicized to all railway operators.

2. The timetable shall be established based on the following factors:

a) Traffic demand of rail operators, including: time, freight and passenger volume, transport quality, route and departure stations, stops and destination;

b) Capacities of infrastructure and traffic means

d) Needed path for maintenance and repair of railway infrastructure

e) Priority order for trains on the same route

3. Priority order for trains shall be regulated by Minister of Transport

Article 77. Timetabling procedures

1., Draft timetable shall be based on the provisions stipulated in the Clause 2 of Article 76 and sent to all railway business enterprises and railway state management authority.

2. In case, there are railway operators who do not agree with the draft timetable, railway traffic controlling units shall preside over the discussion, negotiation between the relevant railway operators and railway infrastructure managers. In case, the conflicts are not solved, a tender will be opened and which rail operator pays the highest infrastructure fee shall occupy the demanded paths.

3. The timetabling process as stipulated in the Clause 1, 2 of this Article shall be under the supervision of railway state management authority.

Article 78. Principles for traffic controlling

Railway traffic controlling shall obey the following principles

1. be central and united; to comply with procedures, codes and legal provisions

2. Ensure safety, smoothness and punctuality of railway transport

3. Non- discrimination exists among enterprises participating in railway transport.

Article 79. - Handling detected incidents, violations on railways

1. Persons detecting incidents that may obstruct railway traffic, threaten railway traffic safety, have responsibility to promptly report them to **Station**, railway units, local administrations or nearest police offices for handling measures. In case of urgency, they must apply measures to immediately signal the railway traffic means operators to halt the trains.

2. When receiving such reports or train halting signals, the organisations, individuals shall have immediate handling measures to ensure safety of railway traffic and inform the units directly managing the railway infrastructures thereof so as to actively co-ordinate with the concerned agencies in quickly taking remedial measures.

3. Organisations and/or individuals who have acts causing railway traffic incidents, threatening safety of railway traffic must be handled according to law

Article 80. Responsibility for ensuring the Railway security and order of railway transport operators.

1, Railway transport operators shall take responsibility to ensure security and order in railway activities within their respective management; to preside over, to coordinate with police, local authority to prevent, protect and solve infringement of railway law as authorized competence and take responsible to the law for their decisions.

2. Security force on train has equipments, uniforms, and insignia, supporting tools as regulated by the Government and have the following tasks and functions:

a) Detecting, preventing acts threatening passengers' life, health and property, disturbing railway transport safety and order and other acts violating law provision on the train; holding in custody and hand over to station's master, police or local authority when the train stop at the nearest stations;

b) For those who have acts of illegal preventing trains operation, throwing stone that damage trains, security forces shall have the right to prevent and force them out of scene; hold in custody and expedite to station's master, police or local authority when the train stop at the nearest stations.

c) Co-ordinating with railway infrastructure security force, police, local authorities in timely detecting and preventing infringements of infrastructure, railway facilities causing harm to railway transport safety.

d) Participating in solving railway traffic accidents, incidents according to Article 11 and Article 37 of this Law

Article 81. Responsibility of police force in ensuring order, safety, security of railway transport

Police of all levels shall, within the scope of their respective tasks and powers, co-ordinate with railway security force, railway traffic investigators, railway staff and local authorities in the areas where railroad cross, in presiding over the organisation of ensuring order, security and safety of railway transport operations.

Article 82. Responsibility of local authorities in ensuring order, security, safety of railway transport

1. People committees of all levels shall, within the scope of their respective tasks and powers, shall assume responsibility to organize the implementation of Clause 2 Article 10 of this law to improve the people's awareness of protecting safety and security of railway transport.

2. People committees at all levels in the areas where railroads cross shall take responsibility to:

a) Direct the local police to coordinate with railway security force in preventing and timely dealing with infringement of railway infrastructure, railway transport facilities, and other acts violating regulations on railway transport safety.

b) Participate in solving railway traffic accidents according to Article 11 of this Law

Chapter VII

RAILWAY BUSINESS

Article 81. Railway business activities

1. Railway business activities mean railway infrastructure business, railway transport operation and supplying services supporting railway traffic.

2. Railway operation is conditional business mode. The government shall regulate in detailed the conditions, contents and procedures for issuing, amendments and withdrawal of railway business license.

Article 82. Ensuring non-discrimination in railway business

The following discriminatory activities shall be not allowed in railway business:

1. Allow usage of railway infrastructure and services supporting railway transport operations in preferred conditions without proper reasons.

2. Request enterprises to meet safety conditions at higher level than those regulated by Minister of transport;

3. Publicize conditions that clearly give priority to a specific enterprise.

4. Not allow railway operators to use railway infrastructure without proper reasons

5. Not issue safety certificate or delay the issuance

6. Create unreasonable conditions in order to leave enterprises out of railway operations.

Article 85-Railway infrastructures Business

1. Railway infrastructure business is the activity to invest, manage, and maintain infrastructure for selling, giving concession of, leasing or collecting fee from using railway infrastructure system and to provide railway supporting services and other services on the base of their managed railway infrastructure capacity.

2. Organisations and individuals using railway infrastructures owned by the State or other organisations for their business activities must pay fees or charges for such usages.

3. Railway infrastructure invested by the State shall be allocated to enterprises through tender, orders or plans.

4. Organizations, individuals investing in railway infrastructure shall have the right to do business on their invested railway infrastructure.

Article 86. Fees, charges for using railway infrastructure

1. Infrastructure fee is the payment for running trains on routes, sections, or depot-to-depot sections.

2. Rental fee of infrastructure is the payment for using one or some railway works that are not directly related to train running.

3. The Prime Minister shall prescribe fee rate, collecting procedure and rental rate for state financed railway infrastructure. Charge for using non-state railway infrastructure shall be prescribed by the investors.

Article 87 - Financial sources for management, maintenance of state invested railway infrastructures

1. For the railways financed by the state, the financial source shall include:

- a) The State budget;
- b) Other revenues as prescribed by law.

2. The Government shall specify the management and use of financial sources for management and maintenance of railway infrastructures used the state budget.

Article 88- Rights and obligations of railway infrastructure business Enterprises (IM).

1. Rights:

a) Do business with the railway infrastructure in accordance to its granted business license.

b) Request all organisations or individuals whose activities are related to its managed railway infrastructure to follow the technical standards and procedures of railway infrastructure.

c) Be given orders, plans by the State or participate in tender for the management and maintenance of State financed railway infrastructure within their management scope.

d). Be entitled to participate in any tender for implementation of all infrastructure projects invested by other investors.

e) Rent out their invested railway infrastructure

f) Propose and submit for approval of infrastructure fee, rental rate for the state financed infrastructure, decide by itself those fees for their owned invested railway infrastructure.

g). Temporarily terminate the traffic if it foresees the fact that the infrastructure system can cause unsafe train operation.

h). Be compensated for damages if the damages are due to the faults of other organisations and individuals.

i) Other rights in accordance with laws.

2. Obligations

a) Manage all properties and capitals belonged to the infrastructure that is allocated by State to the IM or its owned invested infrastructure in accordance with the laws.

b) Maintain and improve their managed infrastructure in good technical quality in order to ensure the safe and smooth railway transport.

c) Publish the yearly speed, weight load passes on all routes, sections managed by the IM in accordance with the infrastructure technical conditions in their managed routes, depot-to-depot sections, and railway line sections.

d) Provide technical and economic parameters regarding the infrastructure capacity as requested by the customers, the railway transport controlling organization and railway state-management authority;

e) Formulate plans for management, maintenance and development of railway infrastructure in order to meet the transport demand and railway development planning.

f) Prevent and repair properly natural disasters, accidents and ensure the smooth railway operation. To be directed by the Accident and Natural Disaster Protection Agency in accordance to regulations and laws.

g) Properly inform the traffic threaten and temporally termination of traffic to train operators at two stations of the station-to-station section where the incidences are happened.

h) Compensate the organisations and individuals for the damage caused by its faults as regulated by the law.

i) Other obligations in accordance with laws.

Article 89. - Railway transport business

1. Railway transport business includes activities related to operating passenger, luggage, cargo luggage and cargo transport on railways.

2. Railway transport operators are allowed to use railway infrastructure and be supplied services supporting railway transport when ensuring the following conditions

a) Having business license

b) Having safety certificate

c) Having contracts with railway transport controlling organization for railway traffic controlling services.

Article 90: rights and obligations of the rail operators

1. Rights

a) Be entitled to operate in accordance to its business license.

b) Be treated non-discriminatory in railway transport operation

c) Have right to use rail infrastructure on routes, sections in accordance to using infrastructure contract.

d) Be ensured by the Railway Transport Controlling organization about the infrastructure quality and capacity as committed.

e) Be provided information, materials about technical and economical characteristics of infrastructure capacity.

f) Be entitled to temporally terminate the train operation if it sees that the operation will not safe due to the infrastructure condition.

g) Be paid for damages due to faults of the railway controlling activities or railway infrastructure enterprises.

h) Other rights in accordance with laws.

2. Obligations

a) Run the train in accordance with timetable, speed passes, load passes published by the IMs.

b) Pay fees, rental rates for using railway infrastructure and other railway services

c) Ensure sufficient safety conditions of train operation during exploration process.

d) Properly inform the railway controller about the temporary termination of its train.

e) To be directed and assigned by the railway controlling centres, the Accidence and Natural Disaster Protection Agency in accordance to regulations and laws.

f) Compensate for the damages caused by its faults as regulated by the law.

g) Provide information about transport demand, quantity and quality of railway vehicles to the railway controlling organization for the establishment of timetable and path allocation and to the IMs for the development of plans for construction, upgrading and maintenance of infrastructure.

h) Other obligations in accordance with laws.

Article 91. Passenger transportation contract

1. Passenger transportation contracts mean the agreement between railway transport enterprises and passengers, under which the railway transport enterprises undertake the transportation of passengers, luggage and cargo luggage from the departure station to the arrival station. The passenger, luggage and cargo luggage transportation contracts shall identify the relation of responsibilities and obligations of the parties and be made in writing or in other forms agreed by the parties.

2. Passenger ticket is an evident for signing passenger transport contract. Passenger ticket is issued by passenger transport enterprises in accordance with forms registered with state authority.

Article 92. - Cargo transportation contract

1. Cargo transportation contracts mean the agreement between railway transport enterprises and cargo owners, under which the railway transport enterprises undertake the transportation of cargoes from the places where cargoes are received to the places where cargoes are delivered to consignees, already prescribed in the contracts, and the cargo owners must pay freight. The cargo transportation contracts must identify the relation of responsibility and obligation of the parties and be made in writing or by transport bills or other form agreed by the parties.

2. Cargo transportation invoice is a part of transportation contract made by railway transport enterprise in forms registered with competent authority; Railway transport enterprise shall make invoice and send them to the customer after having delivered the freight; the invoice should have signature of customer or person empowered by the customer. Cargo transportation invoice is cargo transportation document between railway transport enterprise and customer, and is evident to solve dispute.

3. Cargo transport invoices must clearly inscribed type of goods, sign and code of goods, quantity and weight of goods, delivery and receiving place, name and address of sender and receiver, transport fare and other arising costs, other contents that railway transport enterprise and customer agree to put into the invoice, confirmation of railway transport enterprise current conditions of cargo.

Article 93 – Railway transport fare, price of ticket

1. Fares for passenger, luggage and cargo luggage transportation on railways are set by railway transport enterprises.

2. Transport fares must be publicized and posted up at railway stations before the implementation dates at least 5 days for passenger, luggage and cargo luggage transportation and 10 days for cargo transportation, except for fare reduction.

3. Fares of transportation of super-long and super-weight cargoes are agreed by rail operators and customers.

4. Ticket remission, priority for beneficiary of social welfare shall be regulated by Ministry of Transport.

Article 94. - International transport

1. International transport means the transportation from Vietnam to foreign countries and vice versa or transportation from foreign countries to the third countries by trains, but transit in Vietnam.

2. Railway transport enterprises of all economic sectors when participating in international transport shall meet the conditions regulated in article 89 of this law and international treaties concerning railway transport, which Vietnam has signed or acceded to

Article 95. - Transportation for special purposes

1. Transportation for special purposes is the transport of people, cargoes and equipment in service of the tasks of overcoming natural calamities, fighting epidemics, taking urgent security and defence tasks.

2. Railway transport enterprises shall have the responsibility to implement the special transportation as requested by the manager of national competent agencies in accordance with the law.

Article 95. - Support services of railway transport

Support services of railway transport shall include:

- 1) Railway transport controlling services
- 2) Cargo loading and unloading;
- 3) Cargo storage and preservation;
- 4) Forwarding;
- 5) Transport agents;
- 6) Vehicle leasing and repair;
- 7) Other services related to the organisation and implementation of passenger, luggage, and cargo luggage and cargo transportation on railway.

Article 97. - Rights and Obligations of railway transport enterprises when transporting passengers, luggage and cargo luggage

1. Rights:

- a) Rights stipulated at Clause 1 Article 90 of this law.
- b) To request passengers fully pay fares for passengers and fares for accompanied luggage in excess of the prescribed limits.
- c) To check the weight, packing specifications of cargo luggage of consignors and consigned baggage of passengers before undertaking to carry them; in case of doubts about the truthfulness of declaration on the categories of cargo luggage, consigned baggage as compared with reality, to request the

consignors or passengers to open the cargo luggage or consigned baggage packages for examination.

d) To refuse to carry passengers having acts violating regulations of transport enterprises.

2. Obligations

a) Obligations stipulated at clause 2 Article 90 of this law.

b) To publicly post up necessary regulations related to train passengers.

c) To carry passengers, luggage and cargo luggage from the departure stations to the arrival stations, already inscribed in tickets, safely and punctually.

d) To provide services to passengers in a civilized, urbane and thoughtful manner, and make convenient for the disable when going into station, getting in and off the train.

e) To ensure minimum conditions for passengers' daily-life activities in case of interrupted transportation due to accidents, natural disasters or enemy sabotage.

f) To hand passenger, luggage and cargo luggage tickets to passengers who have made full payment.

g) To refund passenger of ticket price or to pay compensations and arising costs to passengers for damage, losses caused by railway transport enterprises which are at fault.

h) To obey and create favourable conditions for competent State agencies to check passengers, luggage and/or cargo luggage when necessary.

Article 98. - Insurance responsibility in railway passenger transport business

1. Passenger transport enterprises must buy insurance for civil liability of transport enterprise to passengers. The insurance premiums are included in the ticket prices.

2. Passenger tickets, train travel papers shall serve as evidences to settle the insurance when insurance incidents occur.

3. The passenger insurance shall comply with law on insurance.

Article 99- Obligations and rights of passengers, consignees

1. Rights

- a) To be carried in accordance with their tickets.
- b) To be exempt from fares for accompanied luggage not less than 20kg. The exemption from fares in case of exceeding 20 kg shall be described by railway transport enterprises.
- c) To be refunded ticket price or the amount of money equivalent to the non used ticket after making minus for cases regulated at point g, Clause 2, Article 97 of this law.
- d) To return their tickets at the departure stations in prescribed period and get back the ticket money after subtracting fees.
- e) To be enjoying life and health insurance as regulated by Law provisions,

2. Obligations

- a) Train travellers must have regular passenger and luggage tickets and take care of their accompanied luggage by themselves. Train travellers having no tickets or irregular tickets must buy supplementary tickets and pay a fine as regulated by railway transport enterprises.
- b) Passengers having consigned luggage, consignees must declare the names and quantity of their goods, pack them according to regulations and deliver them to railway transport enterprises on time and at the right places and bear responsibility for their declarations.
- c) Passengers, consignees must pay compensations if causing damage to, or loss of, properties of railway transport enterprises.
- d) Passengers must strictly abide by train travel rules and other relevant law provisions on passenger transportation.

Article 100. - Rights and Obligations of railway transport enterprises when transporting cargoes

1. Rights

- a) Rights stipulated at Clause 1 Article 90 of this law.
- b) To refuse to transport cargoes, which fail to comply with the regulations on goods, packing, symbols and codes as well as cargoes banned from circulation by the State.
- c) To request cargo owners to open cargo packages for examination in case of doubts about the truthfulness of their declaration on goods categories as compared to reality.

d) To request cargo owners to pay fully transport fare and other arising costs.

e) To request cargo owners to pay compensations for damage caused by their faults

f) To request cargo inspection when necessary.

g) To keep the cargo in case cargo owners do not pay fully transport fare and other arising costs as agreed in the contract.

h) To handle with cargoes refused by cargo receivers, cargoes without receivers after a period of time prescribed *at Article 106 of this Law*.

i) To penalize the cargo owners for slow unloading;

2. Obligations

a) Obligations stipulated at clause 2 Article 90 of this law.

b) To publicly post up necessary regulations on cargo transportation.

c) To transport cargoes to the destination places and deliver them to the consignees under the signed contracts.

d) To notify in time the cargo owners when the cargoes have been transported to the delivery places and when the transportation is interrupted.

e) To keep and store the cargoes in cases where the consignees refuse to receive the cargoes or the cargoes cannot be delivered to the consignees and notify the cargo owners thereof.

f) To pay compensations to cargo owners when railway transport enterprises are at fault in causing cargo losses

Article 101. - Rights and Obligations of cargo owners

1. Rights

a) To change cargo transport contracts even when cargoes have already been delivered to railway transport enterprises or cargoes have already been loaded onto wagons and bear all costs arising from the change of transport contracts.

b) To re-designate cargo consignees when such cargoes have not yet been delivered to the previous eligible cargo consignees, to change delivery venues or request the transportation of cargoes back to places of departure and to bear all arising costs.

c) To be compensated for damage when cargoes are lost, reduced in weight or quality, broken or transported beyond the prescribed time limits if railway transport enterprises are at fault.

2. Obligations

a) To honestly declare their cargoes and take responsibility for such declaration.

b) To pay freight on time and by payment mode agreed upon in the contracts.

c) To pack their cargoes and meet conditions on cargo transportation under the guidance of railway transport enterprises

d) To deliver cargoes to railway transport enterprises on time and at the right places.

e) To supply papers, documents and other necessary information on cargoes.

f) To pay compensations for damage caused to railway transport enterprises by their untruthful cargo declarations or other faults of cargo owners.

Article 102. - Transportation of dangerous cargoes

1. Dangerous cargoes mean those which, when being transported on route, may cause harms to human health or lives, environment.

2. The transportation of dangerous cargoes on railway must comply with law provisions on transportation of dangerous cargoes.

3. Only when railways transport means satisfy the technical safety conditions can they be used for transportation of dangerous cargoes.

4. Dangerous cargoes must not be loaded and/or unloaded at crowded stations or stations in urban centres.

5. The Government shall prescribe the list of dangerous cargoes and conditions for railway transportation of dangerous cargoes

Article 103. - Transportation of live animals

1. Transportation of live animals shall request an escort. The escorts must have regular train tickets.

2. The goods owners take self-responsibility for loading and unloading of live animals, cleaning the wagons after unloading the cargoes. If not, they

must pay charges for loading, unloading of live animals and cleaning, purifying the wagons to railway transport enterprises.

3. The railway transportation of live animals must comply with the regulation on hygiene, epidemics prevention and environmental protection as well as regulations on railway transportation of cargoes

Article 104. - Transportation of corpses remains

1. Corpses and remains shall be transported with escorts. The escorts must have train tickets.

2. Corpses and remains shall be transported only when they are fully accompanied with the law-prescribed papers and the transport procedures must be carried out at least 24 hours before the trains depart. Corpses must be put into coffins; remains must be packaged in according to regulations on epidemic prevention and environment protection. The transportation of corps and remains shall be regulated by railway transport enterprises.

3. Corpses and remains must be removed within no more than two hours as from the time the trains arrive at the destination stations; in cases where this provision is breached, the railway transport enterprises shall take timely handling measures and have the right to request owners of such corpses and/or remains to pay all arising costs.

Article 105. - Transportation of super-long and/or super-weight cargoes

1. The railway transportation of super-long or super-weight cargoes must be permitted by competent bodies.

2. Railway transport enterprises, when transporting super-long or super-weight cargoes, must draw up plans on cargo loading and unloading, transportation, assuring the safety of train operation and railway infrastructures.

Article 106. - Handle with luggage, cargoes which have no receiver or the receivers reject to accept.

1. When luggage, cargoes sent to destination but having no receiver or the receiver reject to receive, railway transport enterprises have the right to transport the luggage, cargoes to safe and suitable places and inform immediately the cargo, luggage' owners within 10 days starting from the date

when railway transport enterprises inform cargo, luggage owners; all arising costs shall be covered by the cargoes', luggage' owners.

2. 90days after the date when railway transport enterprises inform cargo owners but receive no reply or no payment for arising costs, railway transport enterprises assume the right to auction luggage, cargoes in accordance with law on auction in order to compensate for arising costs; for damageable goods or in case transport fare is too high, railway transport enterprises assume the right to auction those goods earlier than the above mentioned time and have to inform the cargoes owners.

3. Luggage, cargoes belonging to list of forbidden cargoes or subjecting to transport limitation regulations, having no receivers or the receiver reject to receive shall be delivered to competent agencies.

Article 107. - Damage compensation liability exemption

Railway transport enterprises shall be exempt from liability to pay compensations for damage due to the loss, damage, and shortage of cargoes, cargo luggage and consigned luggage during the transportation process in the following cases:

1. It is due to the natural properties or latent defects of cargoes, cargo luggage and consigned luggage;

2. It is due to the seizure by, or other coercive actions of, competent bodies against the consigned cargoes and/or luggage;

3. It is due to force majeure as regulated by civil law.

4. It is due to the faults of passengers, owners and/or recipients of cargoes consigned luggage, cargo luggage or the faults of goods escorts sent by goods owners or consignees.

Article 108. - Damage compensation limits of railway operator

1. Railway transport enterprises must pay compensations for the loss, shortage or damage of cargoes, cargo luggage and consigned luggage according to the following regulations:

a) According to the declared value of cargoes, cargo luggage and consigned luggage with value declaration; in cases where transport enterprises can prove that the actual damage value is lower than the declared value, the compensation levels shall be calculated according to the actual damage value;

b) According to the value recorded in purchase bill or market price at the compensation time of the categories and weight of cargoes without value declaration, depending on which is higher;

c) For cargoes, cargo luggage and consigned luggage which values are not declared and do not have purchase bill, shall be compensated by average value of the same cargo but shall not be excess the price prescribed by Ministry of Transport and Communications

2. In addition to the compensation levels prescribed in Clause 1 of this Article, railway transport enterprises shall have to reimburse to passengers and/or goods owners the freight and transport surcharges for the volume of cargoes, cargo luggage and consigned luggage, which are damaged.

Article 109. - Settlement of disputes

1. Disputes in railway transport contract must be settled in the following forms:

- a) Through negotiations, conciliation;
- b) Being brought to Arbitration or initiating lawsuits at courts

2. Order and procedure of dispute settlement shall be regulated by legislation.

Article 110. - Time limits for sending requirement for compensation, time limits for compensation settlement

1. The time limit for sending complaints and vouchers related to compensation claims shall be agreed by parties. In case all parties do not reach agreement, the time limit for sending complaints shall be as followed:

a) 30 days from the date incident happened damaging passengers' health and life

b) 60 days for damaged or lost cargoes counting from the date of goods delivery, reception or from the proposed delivery date.

c) 30 days for damaged luggage, cargo luggage as from the date of luggage, cargo luggage delivery, reception or from the proposed delivery date.

2. Within 60 days, as from the date of receiving complaint, railway transport enterprises shall take responsibility to settle the complaint.

Article 111. - Time limits for complaints

Time limits for settling disputes relating to contracts in railway business shall comply with regulations of Civil Law and law on trade arbitration.

**Chapter VIII
IMPLEMENTATION PROVISIONS**

Article 112. - Regulations for existing organisations, individuals operating railway transport

1. Contracts or agreements in written forms relating to railway operating which are existing before the date this Law takes effect shall remain the implementation value as inscribed in the contracts or agreements.

2. After this Law takes effect, amendments, additions of contracts or agreements stipulated at clause 1 of this Article must comply with regulations of this law.

3. The Government shall stipulate conditions and schedule for organisations, individuals operating railway transport to adjust organisational structure and activities in accordance with regulations of this law.

Article 113- Implementation effect

This Law takes implementation effect as from 1st January 2006

Article 114- Implementation guidance

The Government shall detail and guide the implementation of this Law.-