

**RAILWAY LAW**

*(No. 35/2005/QH11)*

*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 provides the railway activities.*

**Chapter I**

**GENERAL PROVISIONS**

***Article 1.- Governing scope***

This Law provides the planning on, investment in, construction and protection of railway infrastructures; railway traffic means; rights and obligations of organizations and individuals involved in railway activities; railway traffic rules, signals, order and safety assurance; railway business.

***Article 2.- Subjects of application***

1. This Law applies to domestic and foreign organizations and individuals involved in railway activities in the territory of the Socialist Republic of Vietnam.
2. Where treaties to which the Socialist Republic of Vietnam is a contracting party contain provisions different from those of this Law, the provisions of such treaties shall apply.

***Article 3.- Interpretation of terms***

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

1. Cargo luggage means the goods consigned on any passenger trains on which the consigners do not travel.
2. Common bridges mean bridges with surfaces used commonly for both railway traffic means and road traffic means.
3. Train operation means activities to operate the movement of railway traffic means.
4. Possessions mean evidences permitting railway traffic means to move into station-to-station sections. Possessions are expressed in color signal lights, semaphore signals, line cards, licenses,

line notes.

5. Load pass means the regulations on the permitted maximum load per axle and the permitted maximum even-spread load according to the length of railway traffic means, which are prescribed for each bridge, section, station-to-station section, depot-to-depot section or rail line.

6. Speed pass means the regulations on the permitted maximum speed of a railways traffic means running on each bridge, section, station-to-station section, depot-to-depot section or rail line.

7. Railway works mean works constructed in service of railway communications and transport, including railways, bridges, culverts, tunnels, embankments, retaining walls, stations, water drainage systems, communications and signaling systems, power supply systems and other railway works and support facilities.

8. Crossroads mean road sections on level crossing with railways, which are built and exploited under the permission of the Ministry of Transport.

9. Railway stations mean the places where railway traffic means stop, shunt, overtake, load and/or unload cargoes, take and disembark passengers, perform technical operations and other services. A railway station comprises terminals, station plaza, warehouses, cargo yards, platforms, fence walls, service areas, necessary equipment and facilities and other railway works.

10. Superweight cargoes mean undetachable goods, with weight exceeding the permitted tonnage of wagons, rail lines.

11. Superlong cargoes mean undetachable bales with sizes exceeding the limited sizes of locomotives, and/or cars of corresponding gauges.

12. Railway activities mean activities of organizations and individuals in the domains of railway planning, development investment, business, assurance of railway communications and transport order and safety and other related activities.

13. Station platforms mean railway works in railway stations in service of passengers' embarkation onto and disembarkation from trains, cargo loading and unloading.

14. Railway infrastructures mean railway works, railway work protection areas and railway traffic safety corridor.

15. Railway gauge means the shortest distance between two inner edges of rails.

16. Depot-to-depot section means a number of station-to-station sections and successive railway stations, suitable to train operation.

17. Station-to-station section means a railway section linking two adjacent stations, measuring from the station-entry signaling post of one station to the nearest station-entry signaling post of

the opposite station.

18. Level-crossing intersection means a place where two or more rail lines intersect on the same level.

19. Grade-crossing intersection means a place where two or more rail lines intersect on different levels.

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

21. Railway public-utility products, services mean those necessary for railway communications and transport activities and the revenues from the provision thereof under the market mechanism cannot make up for the expenses therefor.

22. Trains mean railway traffic means formed by locomotives and cars or single locomotive, self-propelling cars, propelling specialized vehicles moving on rail tracks.

23. Rail route line means one or many successive depot-to-depot sections, measuring from the first railway station to the last one.

#### ***Article 4.- Basic principles in railway activities***

1. To ensure smooth, orderly, safe, accurate and efficient railway communications and transport activities; to contribute to socio-economic development, maintain national defense and security, and protect the environment.

2. To develop railways under plannings and plans toward modernity and synchronism; to combine railway communications and transport with other modes of communications and transport.

3. To administer railway communications and transport activities in a unified and concentrated manner.

4. To clearly define the state management by state agencies from business management by enterprises; the infrastructure business from transport business on railways invested by the State.

#### ***Article 5.- Railway development policies***

1. The State concentrates investment in the development of national railway and urban railway infrastructures towards modernity.

2. The State encourages domestic and foreign organizations and individuals to invest in, do business with, railway infrastructures and railway transport; to participate in bidding for provision of railway public-utility products and/or services.

3. The State ensures the environment for fair competition without discrimination; protect the legitimate rights and interests of organizations and individuals of all economic sectors participating in railway investment and business.

4. The State encourages scientific research, application of advanced sciences and technologies and training of human resources for development of modern railways.

#### **Article 6.- Overall planning on railway development**

1. The overall planning on railway development shall serve as a basis for elaboration of detailed specialized plannings and orientations for investment, construction, synchronous, rational and uniform development of the railway communications and transport network nationwide, creating conditions for tapping the existing potentials and developing the capacity of the railway sector.

2. The overall planning on railway development shall be formulated on the basis of the socio-economic development strategy; the satisfaction of defense and security requirements; the close association with the overall plannings on development of other modes of communications and transport.

3. The overall planning on railway development shall comprise contents on the development of infrastructures, traffic means, human resource training, science, technologies, industry and support service networks in the railway sector.

4. The Minister of Transport shall organize the formulation of the overall planning on railway development and submit it to the Prime Minister for approval.

#### **Article 7.- The state management responsibilities of the Government, ministries, ministerial-level agencies, Government-attached agencies with regard to railway activities**

1. The Government shall perform the unified state management of railway activities.

2. The Ministry of Transport shall be answerable to the Government for performance of the state management of railway activities.

3. The Ministry of Public Security shall assume the prime responsibility for, and coordinate with the Ministry of Transport, the Ministry of Defense, the People's Committees of provinces or centrally-run cities (hereinafter referred to as the provincial-level People's Committees) and the relevant ministries as well as branches in, organizing the application of measures to protect social order and safety in railway activities; organize forces to inspect and handle violations of the law on railways by people and means participating in railway communications and transport according to the provisions of law; make statistics and supply data on railway traffic 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 within the areas of railway land, the areas adjacent to railway work protection boundaries, which

affect the safety of railway works as well as of railway communications and transport.

5. The Ministry of Industry shall have the responsibility to give priority to ensuring a stable source of electricity supply for electrified railways as well as railway communication and signaling systems.

6. Other ministries, ministerial-level agencies, Government-attached agencies shall, within the ambit of their respective tasks and powers, have to coordinate with the Ministry of Transport in performing the state management over railway activities.

***Article 8.- Provincial-level People's Committees' responsibilities for state management of railway activities***

1. To organize, direct the implementation of legislation on railways; measures to protect railway infrastructures; protect the railway traffic safety corridors; organize rescues and settle consequences of railway traffic accidents upon the occurrence thereof in their respective localities.

2. To formulate and organize the implementation of their localities' plannings on development of urban railway infrastructures.

3. To ensure railway communications and transport order and safety; to inspect and handle violations of railway legislation in their respective localities.

***Article 9.- Railway inspectorate***

1. The railway inspectorate is placed under the Ministry of Transport's inspectorate, performing the function of specialized inspection of railway activities.

2. The organization, functions, tasks and powers of the railway inspectorate shall comply with the provisions of law on inspection.

***Article 10.- Propagation and dissemination of, education in, railway law***

1. Railway agencies and units shall have the responsibility to organize the propagation and dissemination of, and education in, railway law for cadres, officials and employees under their respective management; coordinate with local administrations at all levels in localities where railways run through in propagating and mobilizing people to observe the railway law.

2. Local administrations at all levels shall have the responsibility to propagate, disseminate and educate in railway law constantly and widely to their local people.

3. The information and propagation agencies shall have the responsibility to organize the regular and widespread propagation and popularization of railway law to the entire population.

4. The state management agencies in charge of education and training shall have the

responsibility to direct the railway law education in educational institutions.

5. Vietnam Fatherland Front and its member organizations shall have the responsibility to coordinate with the concerned bodies and local administrations in propagating and mobilizing people to observe the railway law.

**Article 11.- Responsibilities of organizations and individuals upon occurrence of railway traffic accidents**

1. Upon the occurrence of railways traffic accidents, the train drivers or other railway personnel onboard the trains must urgently stop the trains. The train captains shall have the responsibility to organize the railway personnel onboard the trains and people present at accident scenes to rescue and assist victims, protect the property of the State and the victims, and at the same time immediately report thereon to the railway traffic control organizations, police offices, People's Committees at the nearest places, and perform the following tasks:

a) In cases where trains, tracks are damaged, to make reports on the accidents and supply information related to the accidents at requests of competent state agencies;

b) In cases where trains, tracks are not damaged, to continue with the trains' journeys after making reports on the accidents and appointing people to work on their behalf with competent state agencies.

2. Operators of other traffic means, when passing through the places where the railway traffic accidents have occurred, shall have the responsibility to carry victims for emergency treatment, except for cases where they are performing urgent tasks.

3. The police offices and relevant organizations and individuals, upon receiving reports on railway traffic accidents, shall have to immediately come to the scenes for settlement.

4. People's Committees of the localities where the railway traffic accidents have occurred shall have the responsibility to coordinate with the police offices, railway enterprises in rescuing the victims and protecting the property of the State and the victims. In cases where victims die without identification, without relatives or with relatives who are, however, incapable of carrying out the burial, People's Committees of the localities where the railway traffic accidents have occurred shall have the responsibility to bury the dead persons.

5. All organizations and individuals must not hinder the restoration of railways and railway traffic activities after the occurrence of railway traffic accidents.

**Article 12.- Prohibited acts in railway activities**

1. Sabotaging railway works, railway traffic means.

2. Encroaching upon railway traffic safety corridors, railway work protection areas.

3. Opening crossroads, building flyovers, tunnels, culverts or other works across railway without permission.
4. Removing or falsifying railway works, signaling equipment, fixed signboards without permission.
5. Hanging, sun-drying and placing things, which hide or falsify railway traffic signals.
6. Obstructing train operations, arbitrarily giving signals or using equipment to stop trains, except for case of detecting incidents, which cause unsafety to railway traffic.
7. Stepping over barricades or barriers, crossing crossroads when the red light is on, crossing over fences separating railways from surrounding areas.
8. Placing obstacles, pouring hazardous substances, wastes on railways, or inflammable or explosive substances in railway work protection areas and railway traffic safety corridors.
9. Grazing animals, holding marketplaces on railways, in railway work protection areas or railway traffic safety corridors.
10. Walking, standing, lying, sitting on roofs of cars, locomotives or car stairs; clinging to, standing or sitting on the sides of cars, locomotives or the couplings between cars or between cars and locomotives; opening train doors or putting heads, arms, legs or other things outside the cars when trains are running, except for railway personnel or police men who are performing their tasks.
11. Walking, standing, lying or sitting on railways, except railway personnel patrolling railways or repairing, maintaining tracks or railway traffic means.
12. Throwing earth, stones or other objects onto or from trains.
13. Carrying goods banned from circulation, diseased animals, illegally carrying radioactive, inflammable and/or explosive substances, wild animals into railway stations and/or onboard trains.
14. Transporting goods banned from circulation, or diseased animals; illegally transporting wild animals;
15. Making or using fake tickets; selling tickets in contravention of regulations for purposes of gaining illicit profits.
16. Putting means and/or equipment failing to reach technical safety standards or means and/or equipment without registration certificates or registry and inspection certificates into operation on railways.

17. Operating trains beyond the prescribed speeds.
18. Having the alcoholic content of 80 milligrams/100 milliliters of blood or 40 milligram/liter of breath by railway personnel in direct service of train operations while performing their tasks.
19. Abusing positions and/or powers to harass for bribes or cause troubles; performing or tolerating acts of law violation when performing tasks.
20. Other acts strictly prohibited under the railways law.

## **Chapter II**

### **RAILWAY INFRASTRUCTURES**

#### **Section 1. RAILWAY INFRASTRUCTURE PLANNING, INVESTMENT AND CONSTRUCTION**

##### ***Article 13.- Vietnamese railway system:***

1. The Vietnamese railway system includes:
  - a) National railways in service of common transport demands of the whole country, each economic region and international transportation;
  - b) Urban railways in service of daily movement demands of passengers in cities and the vicinities thereof;
  - c) Specialized railways in service of exclusive transport demands of organizations or individuals.
2. The Minister of Transport shall publicize the national railways, urban railways, specialized railways connected to national railways; publicize the opening and closure of rail routes, route sections, depot-to-depot sections of national railways.
3. Provincial-level People's Committees shall publicize urban railways under their local management.
4. Ministries, provincial-level People's Committees shall publicize specialized railways under their respective management, which are not connected to national railways.

##### ***Article 14.- Planning on railway infrastructure development***

1. The planning on development of national railway infrastructures must be in line with the approved overall planning on railway development; meet the national defense and security maintenance requirements; be associated with plannings on development of economic regions, branches and plannings on development of various modes of transportation. The planning on development of national railway infrastructures shall be formulated for every ten-year period

with orientations for the following ten years.

2. The planning on development of urban railway infrastructures must be in line with the approved overall planning on railway development; meet the requirements of local socio-economic development; be associated with plannings on development of other public transportation modes. The planning on development of urban railway infrastructures shall be formulated for every ten-year period with orientations for the following ten years.

3. The plannings on communications and transport development of special-grade, grade-I urban centers, national seaports, international airports must include the contents on railway infrastructure development.

**Article 15.- Formulating, approving and publicizing plannings on railway infrastructure development**

1. The Minister of Transport shall organize the formulation of planning on national railway infrastructure development and submit it to the Prime Minister for approval; organize the formulation and approval of detailed plannings on railway infrastructure development of each region, railway traffic hubs in conformity with the approved planning on national railway infrastructure development.

2. Provincial-level People's Committees shall organize the formulation of urban railway infrastructure development plannings and submit them to the People's Councils of the same level for approval before submission thereof to the Minister of Transport for approval.

3. Railway infrastructure development planning-approving agencies and persons defined in Clauses 1 and 2 of this Article may adjust the plannings when necessary.

4. The Minister of Transport, provincial-level People's Committee presidents shall, within the ambit of their respective tasks and powers, have the responsibility to publicize the approved plannings; organize the implanting of boundary markers for planned railway land.

**Article 16.- Fund for planning on railway infrastructure development**

1. The fund for the planning formulation, appraisal and publicization, the planned land boundary markerpost implanting and the adjustment of planning on national railway infrastructure development shall be allocated by the central budget.

2. The fund for the planning formulation, appraisal and publicization, the planned land boundary markerpost implanting and the adjustment of planning on urban railway infrastructure development shall be allocated by local budgets.

3. In addition to the funding sources specified in Clauses 1 and 2 of this Article, the fund for railway infrastructure development planning may be mobilized from other capital sources under the provisions of law.

4. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Transport and the Ministry of Construction in, promulgating detailed norms for the planning formulation, appraisal and publicization, the planned land boundary markerpost implanting and the adjustment of plannings on development of national railway infrastructures and urban railway infrastructures.

**Article 17.- Land reserved for railways**

1. Land reserved for railways comprises land for construction of railway works, land in railway work protection areas and land in railway traffic safety corridors.

2. Land reserved for railways must be used for the approved purposes and comply with the provisions of land law.

3. People's Committees of all levels shall have the following responsibilities:

a) To assume the prime responsibility for, and coordinate with investors in, ground clearance and resettlement of displaced people;

b) To manage the land planned for railways.

4. Newly constructed works within land areas reserved for railways and marked off with boundary markerposts shall not be entitled to compensation upon ground clearance, except for works constructed in accordance with the provisions in Article 33 of this Law.

**Article 18.- Investment in construction of railway infrastructures**

1. Investment in construction of railway infrastructures means the investment in construction of new railway infrastructures; technological renewal; upgrading, improvement of existing railway infrastructures; railway electricification; modernization of railway communication and signaling system.

2. Investors in construction of railway infrastructures must observe the following regulations:

a) To comply with the approved plannings, plans and projects;

b) To ensure synchronism according to railway technical grades;

c) To ensure landscapes and environmental protection.

3. Investors in construction of national railway infrastructures, urban railway infrastructures shall enjoy the following preferences:

a) To be allocated land without the collection of land use levies for land used for construction of rail routes; to rent with the most preferential terms land for construction of other railway

infrastructure works;

b) To be provided with full support in ground clearance fund for land used for construction of rail routes;

c) To be entitled to exemption or reduction of import tax on supplies, technologies, technical equipment, which cannot be manufactured at home yet under the provisions of tax legislation;

d) Other preferences as provided for by law.

4. Railway works, after being constructed, upgraded or renovated, must be tested before acceptance by competent agencies.

5. Ministries, provincial-level People's Committees shall, within the ambit of their tasks and powers, publicize lists of projects calling for investment in each period and lists of projects already granted investment licenses.

#### ***Article 19.- Railway connection***

1. The positions for connecting domestic railway routes must be at railway stations. The Minister of Transport shall decide on the connection of urban railways and specialized railways to national railways.

2. Only national railways can be connected to foreign railways. The Prime Minister shall decide on the connection between national railways and foreign railways.

#### ***Article 20.- Railway gauges and railway technical standards***

1. The national railways shall have the gauges of 1,435 millimeters or 1,000 millimeters. The urban railways shall have the gauge of 1,435 millimeters or automatic-guided monorail. Specialized railways shall not be connected to national railways as the investing organizations or individuals have decided on the railway gauges for their own use demands.

2. Railways shall be classified according to technical grades. The Minister of Transport shall stipulate the technical grades and railway technical standards.

#### ***Article 21.- Railway stations***

1. Railway stations shall include:

a) Passenger station, which is a system of works constructed for receiving and releasing passengers, providing services related to passenger transportation and technical operations; a passenger station must comprise works in exclusive service of disabled passengers;

b) Freight station, which is a system of works constructed for cargo delivery, reception, loading, unloading and preservation, for provision of services related to cargo transportation and technical

operations;

c) Technical station, which is a system of works constructed for performance of technical operations of locomotives, cars in service of train operations;

d) Mixed station, which is a station having the functions of two or three types of station defined at Points a, b and c of this Clause.

2. Railway stations must be named, but not identically. Multi-track passenger stations must have platform signboards and signboards directing to station platforms. Tracks in stations must be numbered separately but not identically.

3. Railway stations must have emergency exit systems; fire prevention and fighting systems with adequate equipment and instruments ready for use when necessary; the lighting, ventilation, environmental sanitation systems.

4. The Minister of Transport shall promulgate the technical regulations, on exploitation and technical standards of railway stations; decide and publicize the opening and closure of railway stations.

#### **Article 22.- Fixed signalling facilities, equipment on railways**

1. The fixed signalling facilities and equipment on railways include:

a) Signal posts, signal lights;

b) Signboards, sign marks;

c) Signal boards;

d) Barricade, barriers;

e) Boundary markerposts;

f) Other signals.

2. The fixed signaling facilities and equipment on railways must be constructed and installed adequately in conformity with technical grades and types or railroads; be periodically inspected so that the signaling facilities and equipment regularly operate well.

#### **Article 23.- Railways intersect other railways or roads**

1. Railways intersect railways must be grade crossing, except for cases where specialized railways intersect other specialized railways.

2. When railways intersect roads, grade-crossing intersections must be built in the following

cases:

- a) Railways with the designed speed of 160 km/hour or higher intersect roads;
- b) Railways intersect roads of grade III or higher; railways intersect urban roads;
- c) Urban railways intersect roads, except iron-wheel tram ways.

3. Investors in construction of new railways shall have to build grade-crossing intersections as provided for in Clauses 1 and 2 of this Article; investors in construction of new roads shall have to build grade-crossing intersections as provided for in Clause 2 of this Article.

4. For cases not specified in Clause 2 of this Article, when conditions do not permit the construction of grade-crossing intersections yet, People's Committees at different levels, project investors or organizations and individuals having demands to cross railways must observe the following regulations:

- a) At places where the construction of crossroads is allowed, the Ministry of Transport's regulations must be complied with;
- b) At places where the construction of crossroads is not allowed, feeding roads must be built outside the railway traffic safety corridors, leading to the nearest crossroads or grade-crossing intersections.

#### ***Article 24.- Railways run in close parallel with roads***

1. In cases where railways and roads run in close parallel, it must be ensured that one road/railway must lie outside the traffic safety corridor of the other road/railway; where terrains do not permit, a separating protection work must be built on the road's edge close to the railway, except for cases where the rail tops are three or more meters higher than the land road surface.

2. In cases where a railway and a road run in vertical parallel, the vertical distance from the highest point of the underneath surface of the road or the underneath top of the rail of the railway to the lowest point of the above road infrastructure must be equal to the height ensuring the traffic safety of the below road.

### **Section 2. PROTECTION OF RAILWAY INFRASTRUCTURES**

#### ***Article 25.- Activities of protecting railway infrastructures***

Activities of protecting railway infrastructures are activities aiming to ensure the safety and lifetime of railway works; preventing, combating, overcoming the consequences of natural calamities and accidents; preventing, stopping and handling acts of encroaching upon railway works, railway work protection scope and/or railway traffic safety corridors.

### **Article 26.- Railway work protection scope**

The railway work protection scope shall cover:

1. The railway protection scope;
2. The railway bridge protection scope;
3. The railway tunnel protection scope;
4. The railway station protection scope;
5. The scope for protection of communication and signaling facilities, railway electricity supply systems;
6. The scope for protection of underground areas of railway works.

### **Article 27.- Railway protection scope**

The railroad protection scope covering the overhead areas, land strips on both sides and the underground areas of the railroads is provided for as follows:

1. The overhead protection scope of a railway shall be 5.30 meters measuring from the rail top vertically upwards for the 1,000 mm-gauge according to the technical grade, or 6.55 meters for the 1,435 mm-gauge. The distance between the railway and the power transmission lines stretching above the railway shall comply with the provisions of the Electricity Law;
2. The protection scope of the land strips on both sides of the railway shall be determined as follows:
  - a) 7 meters from the outer edge of the outermost rail outwards for non-embanked or non-dug roadbeds;
  - b) 5 meters from the foot of the embanked roadbeds or 3 meters from the outer edge of the water drainage ditches outwards for embanked roadbeds;
  - c) 5 meters from the top edge of dug road or 3 meters from the outer edge of top water drainage ditches outwards for dug roadbeds;
3. The protection scope of the underground areas of railways shall comply with the provisions of Article 32 of this Law.

### **Article 28.- Railway bridge protection scope**

1. The railway bridge protection scope covers the overhead spaces, the land areas, water areas

and the under-water surface land areas around the bridges.

2. The overhead protection scope of a bridge shall be 2 meters measuring vertically from the highest point of the bridge structure; in cases where the bridge only has rails, the overhead protection scope of the bridge must not be shorter than the limited height defined in Clause 1, Article 27 of this Law.

3. The lengthwise bridge protection scope shall be calculated as follows:

a) From the protection signal post on this bridge head to the protection signal post on the other bridge head, for bridges with protection signal posts;

b) From the end of the abutment on this bridge head to the end of the abutment on the other head plus 50 meters to each head of the bridge, for bridges without protection signal posts.

4. Horizontal bridge protection scope shall be calculated as follows:

a) For viaducts and river-spanning bridges of less than 20 meters long in urban centers, it is 5 meters counting from the outermost edge of the rail to each side;

b) For river-spanning bridges of 20 meters long or over in urban centers and bridges outside urban centers, it is 20 meters counting from the outermost edge of the bridge structure to each side, for bridges of less than 20 meters long; 50 meters for bridges of between 20 and under 60 meters long; 100 meters for bridges of between 60 to 300 meters long; 150 meters for bridges of over 300 meters long.

#### **Article 29.- Railway tunnel protection scope**

The railway tunnel protection scope covering land areas and overhead spaces around the tunnels it is 50 meters to each side, measuring from the outermost point of the tunnel walls outward; in cases where the tunnel protection scope fails to satisfy this regulation, there must be technical solutions to ensure safety for the tunnel work, which shall be approved by the Minister of Transport.

#### **Article 30.- Railway station protection scope**

The railway station protection scope shall cover the fence walls, boundary markerposts, the total land area and overhead space within the fence walls, station boundary markerposts, within the land stretch from the station entry signal post on this end to the station-entry signal post on the other end of the railway station.

#### **Article 31.- Scope for protection of railway communication and signaling systems, railway electricity supply systems**

The scope for protection of railway communication and signaling facilities and railway electricity supply systems covers the overhead areas, the land areas around such facilities, which

shall be calculated as follows:

1. The scope for protection of communication posts, signal posts, railways electric posts outside railway protection scope shall be 3.5 meters from the heart of the posts outwards;
2. The scope for protection of railway communication lines, signal lines, electricity wires shall be 2.5 meters from the outermost line horizontally outwards and vertically upwards.

**Article 32.- The scope for protection of underground areas of railway works**

The scope for protection of underground areas of railway works upon the construction of underground works beneath the railway works shall be decided by the Minister of Transport.

**Article 33.- Work construction and activities within railway work protection scope**

1. Works which must be constructed or activities which must be carried out within the railway work protection scope must be licensed under the regulations of the Minister of Transport.
2. Work investors or organizations, individuals carrying out activities within the railway work protection scope must comply with the following regulations:
  - a) Upon formulation of projects on work construction or carrying out of activities, there must be written opinions of enterprises managing railway infrastructures;
  - b) Before constructing the works or carrying out the activities, there must be schemes to ensure safety for the railway works and railway communication and transport, which are approved in writing by enterprises managing railway infrastructures;
  - c) Upon completion of works or conclusion of activities, all obstacles which may cause unsafety to railway works or railway communication and transport due to the work construction or activities must be removed; and the dossiers on construction completion must be handed over to enterprises managing the railway infrastructure.
3. Work investors or organizations, individuals carrying out activities within the railway work protection scope must compensate for damage caused to railway works and railway communication and transport safety due to their faults as provided for by law.

**Article 34.- Constructing works, exploiting natural resources and carrying out other activities in vicinities of railway work protection scope**

1. The construction of works, the exploitation of natural resources and the carrying out of other activities in the vicinities of railway work protection scope must not affect the safety of such railway works and the safety of railway communications and transport.
2. In cases where the work construction, natural resource exploitation and other activities may affect the safety of railway works or the safety of railway communications and transport, the

work investors, the organizations and/or individuals exploiting natural resources or carrying out other activities must apply necessary measures to ensure safety for railway works and safety of railway communications and transport.

3. The work investors, the organizations and/or individuals exploiting natural resources or carrying out other activities must compensate for damage caused by their faults to railway works and railway communications and transport safety.

#### **Article 35.- Railway traffic safety corridor**

1. The railway traffic safety corridor limits shall be provided for as follows:

a) The limited overhead height from the rail top upward along the vertical direction shall comply with the provisions of Clause 1, Article 27 of this Law;

b) The limited width on both sides of a railway shall be 15 meters to each side, measuring from the foot edge of the embanked railroad foundation, the top edge of the talus of dug railroad, the outmost rail edge of non-dug or non-embanked railroad, for railroads in the depot-to-depot sections; 2 meters to each side, measuring from the outmost rail edge outwards, for railroads in stations, ports, within fence walls.

2. The railway traffic safety corridor in crossroad areas must ensure the vision of traffic participants and conform to the grade of the crossroads.

3. In the railway traffic safety corridors, it is only permitted to plant trees of under 1.5 meters high and trees must be planted at least 2 meters from the edge of the foot of the roadbeds, at least 5 meters from the top talus of dug roads or at least 3 meters from the edge of the horizontal water drainage ditches of the roads and the top water drainage ditches.

4. The Minister of Transport shall specify the railway traffic safety corridors in crossroad, urban railway areas.

#### **Article 36.- Responsibilities to protect railway infrastructures**

1. Railway infrastructure enterprises shall have the responsibility to protect, inspect, repair, maintain railway works in order to ensure smooth and safe railway communications and transport.

2. Organizations and individuals using railway infrastructures for communications and transport activities must strictly comply with the regulations on railway infrastructure safety.

3. People's Committees at all levels in the localities where railways run through shall have the responsibility to organize the propagation for and educate in railway infrastructure protection among people; prevent, stop and handle in time acts of infringing upon railway infrastructures and railway communications and transport safety in their respective localities.

4. Organizations and individuals shall have responsibility to protect railway infrastructures, take part in rescue when railway works get damage. Upon detection of damaged railway works or infringement upon railway infrastructures, they must promptly report such to People's Committees, railway infrastructure enterprises or police offices at the nearest places. Persons who receive such reports must promptly apply handling measures to ensure the railway communications and transport safety.

5. The Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of Public Security and the Ministry of Defense in, protecting railway works of special importance.

6. All acts of infringing upon railway infrastructures must be detected in time, handled strictly and lawfully.

**Article 37.- Preventing, combating, overcoming the consequences of incidents, natural calamities, accidents to railway infrastructures**

1. Railway infrastructure enterprises shall have the responsibility to assume the prime responsibility for, and coordinate with the administrations of the localities where railways run through and the concerned organizations and individuals in, preventing, combating and redressing the consequences of incidents, natural calamities, railway traffic accidents.

2. Upon the occurrence of incidents, natural calamities and/or accidents, thus damaging railway infrastructures, the railway infrastructure enterprises shall have to promptly overcome the consequences, restore traffic, rehabilitate railway infrastructures up to the technical safety and environmental protection standards.

3. Upon the occurrence of incidents, natural calamities and/or accidents, thus causing railway traffic congestion, the railway communications and transport administering organizations shall have the right to mobilize necessary means, equipment, supplies and human resources and assume the prime responsibility for, and coordinate with the administrations of the localities where the incidents happen in, overcoming the consequences, restoring communications and transport. The mobilized organizations and individuals are obliged to abide by the mobilization and shall be paid the expenses.

4. Organizations and/or individuals causing incidents and/or accidents shall have to pay expenses for overcoming the consequences of incidents, accidents, compensate for damage and be handled according to the provisions of law.

### **Chapter III**

#### **RAILWAY TRAFFIC MEANS**

**Article 38.- Conditions for circulation of railway traffic means**

Railway traffic means, when being circulated, must be adequately accompanied with registration

certificates; valid registry certificates of quality, technical safety and environmental protection standards.

**Article 39.- Registration of railway traffic means**

1, Railway traffic means which fully satisfy the following conditions shall be granted registration certificates:

a) The means have lawful origins;

b) The means are up to technical safety and environmental protection standards.

2. For railway traffic means with changes in their respective utilities or changes in principal technical parameters, the means owners must carry out procedures to apply for new registration certificates.

3. Upon the transfer of ownership rights, the new owners of railway traffic means must produce lawful purchase and sale papers, the valid registry certificates to the competent state agencies for granting of new registration certificates made under the new owners' names.

4. The railway traffic means owners must make declarations for cancellation of registration and return of registration certificates in the following cases:

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

b) Their railway traffic means are lost or destroyed;

c) Their railway traffic means have been changed hand.

5. The Minister of Transport shall provide the registration of railway traffic means.

**Article 40.- Registry of railway traffic means**

1. Railway traffic means manufactured in Vietnam must conform to the quality, technical safety and environmental protection standards and be certified by Vietnamese registry offices or foreign organizations with registry functions authorized by Vietnamese registry offices.

2. In the course of manufacture, assembly, transformation or rehabilitation, railway traffic means must be subject to the supervision of quality, technical safety and environmental protection standards by Vietnamese registry offices or foreign registry organizations authorized by Vietnamese registry offices.

3. Railway traffic means, while being in the exploitation process, must be periodically inspected in terms of technical safety and environmental protection standards and granted certificates by registry offices.

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

5. The registry offices must comply with the procedures, Vietnamese standards and branch standards when performing the registry. Heads of registry offices and persons directly performing the registry must be responsible for the registry results.

6. The Minister of Transport shall define the quality, technical safety and environmental protection standards of means; define the standards and conditions of material and technical foundations of registry offices and uniformly perform the registry of railway traffic means.

***Article 41.- Necessary information and instructions on railway traffic means***

1. Railway traffic means must be inscribed with signs of Vietnamese railways, means owners, place and date of manufacture, managing enterprises' names, dimensions, dead weight, tonnage, serial numbers and types, capacity, force transmission types.

2. Apart from the provisions in Clause 1 of this Article, the passenger cars must also have notice boards or other communication means for notification to passengers of the itineraries of trains, names of stations where trains stop, trains' speed, ways of circumstance handling upon the occurrence of fires, incidents; train internal regulations.

3. Signs, information and instructions must be clear and understandable; notice boards must be put up at places where they are easily to be spotted and read.

***Article 42.- Brake, locomotive-carriage coupling equipment***

1. Railway traffic means must have automatic brake equipment, manual brake equipment. The brake equipment must be regularly inspected to ensure their smooth and reliable operations.

2. On passenger cars and at the working places of train captains, emergency brake valves must be installed. The emergency brake valves must be periodically inspected and lead-sealed.

3. At the working places of train captains and on a number of passenger cars, pressure meters must be installed.

4. Locomotive-carriage coupling equipment must be installed with the right model and type suitable to each model and type of locomotive and carriage.

***Article 43.- Equipment on railway traffic means***

1. Railway traffic means must be equipped rescue hammers, fire-fighting equipment, instruments and materials, first-aid medicines, train chokes, tools and materials for simple repairs, portable signals.

2. On locomotives, self-propelled wagons and railway specialized self-propelled means, there must be speed meters, devices for recording train speeds and information related to train operations (black boxes); warning devices to keep train drivers alert while driving trains; at the train captain's working place, there must be train speed meters, devices for communications between train captain and train driver.

3. On passenger cars, there must be lighting equipment, cooling and air ventilating equipment; equipment in service of disabled people; sanitary facilities, excluding cars on urban railways.

**Article 44.- Railway traffic means suspended from participation in railway traffic**

1. Railway traffic means shall be suspended from participation in railway traffic in the following cases:

a) The means registry certificate has expired;

b) The means are detected as failing to meet the technical safety standards while operating.

2. The movement of newly imported means, trial-run means; the movement of broken railway traffic means to repair establishments shall comply with the railway process and regulations.

**Article 45.- Importation of railway traffic means**

The imported railway traffic means must be compatible with Vietnamese railway technical standards; be accompanied with certificates of satisfaction of requirements on quality, technical safety and environmental protection, granted by Vietnamese registry offices or foreign registry organizations authorized by Vietnamese registry offices. The importation of railway traffic means must comply with the provisions of law.

**Chapter IV**

**RAILWAY PERSONNEL IN DIRECT SERVICE OF TRAIN OPERATION**

**Article 46.- Conditions on railway personnel in direct service of train operation**

1. Railway personnel in direct service of train operation shall include:

a) Train captains;

b) Train drivers, assistant drivers;

c) Train running controllers;

d) Direct station train operators;

- e) Chief shunters;
- f) Switch men;
- g) Couplers;
- h) Railroad, bridge, tunnel patrollers, tunnel guards;
- i) Crossroad, common bridge guards.

2. Railway personnel in direct service of train operation, defined in Clause 1 of this Article, when performing their tasks, must satisfy the following conditions:

- a) Possessing professional diplomas or certificates suitable to their titles, which are granted by training establishments recognized by the Ministry of Transport;
- b) Possessing health certificates issued periodically under the Health Ministry's regulations;
- c) For train drivers, apart from the conditions defined in this Clause, they must also possess train-driving licenses.

3. Railway personnel in direct service of train operation, when performing their tasks, shall have the following responsibilities:

- a) To perform jobs according to their respective titles, technical grade standards, process and regulations;
- b) To strictly obey the train-operation commands, observe regulations and directives of superiors;
- c) To wear the prescribed uniforms, badges, insignia and title cards.

4. The Minister of Transport shall stipulate the training contents, programs, conditions for title-training establishments; criteria of the titles defined in Clause 1 of this Article; the test and examination contents and procedures and organize the grant, exchange, recovery of train-driving licenses.

#### **Article 47.- Train-driving licenses**

1. Train-driving licenses are certificates granted to persons directly driving railway traffic means.
2. Persons granted train driving licenses shall be allowed to drive only the types of railway traffic means specified in their respective driving licenses.
3. Persons granted train-driving licenses must fully satisfy the following conditions:

- a) Being at the age of between 23 and 55 for men, between 23 and 50 for women; possessing health certificates;
- b) Possessing professional diplomas, certificates in driving railway traffic means, granted by training establishments;
- c) Having worked as train assistant-drivers for 24 consecutive months or more;
- d) Having gone through a test prescribed for the types of railway traffic means in the train-driving licenses.

#### **Article 48.- Train captains**

1. A train captain is the highest commander onboard a train, bearing the responsibility to ensure security, order, safety and service for passengers, to ensure train operations according to schedule and orders of train operators, in accordance with train operation process and regulations; to settle railway traffic accidents under the provisions in Article 11 of this Law.
2. During train itineraries, the train captains may arrest persons committing offenses in the act; to put them in custody according to administrative procedures applicable to persons committing acts of violating regulations on order and safety on trains in accordance with the provisions of law and must hand over such persons to station chiefs or local police offices or administrations when the trains stop at the nearest stations.
3. In case of urgency, train captains may order passengers in order to apply measures to ensure safety for the trains and must immediately report to train operators or the nearest stations on the state of urgency.
4. Train captains may refuse to let trains operate when deeming that safety conditions for train operations are not yet fully met; refuse to receive personnel failing to satisfy the professional qualification and/or health requirements to work onboard trains under different titles; suspend the work of train personnel who violate disciplines. Train captains have the responsibility to immediately report to competent authorities for settlement when exercising their rights of refusal defined in this Clause.
5. Train captains shall have the responsibility to make records on cases of childbirth, death, injury onboard the trains with the participation of two witnesses; train captains are entitled to decide to stop trains at stations most convenient for rescue of people and must transfer such people together with their assets and relevant papers to station chiefs or police offices, hospitals, local administrations.
6. Before permitting the trains to move and in the course of train operation, train captains shall have the responsibility to check the safety conditions for train operation and other matters related to safety of people and means.
7. Train captains shall have the responsibility to record diaries, make reports and documents

related to trains' itineraries.

8. In cases where many trains are combined together into a mixed train convoy, the captain of the last train shall act as the common commander of the mixed train convoy.

**Article 49.- Train drivers, assistant drivers**

1. Train drivers are persons who directly operate trains; bear responsibility to operate locomotives safely, at the prescribed speeds and according to time schedule under train operation timetable, train-running commands, process and regulations; have the responsibility to observe the provisions of Article 11 of this Law upon the occurrence of railway traffic accidents.

2. Train drivers shall be allowed to operate trains only when they possess train driving licenses.

3. Train drivers shall have the right to refuse to let train move if deeming that the necessary safety conditions are not fully met and immediately report thereon to the competent authorities for settlement.

4. Before running trains, train drivers must check and certify possessions permitting the occupation of station-to-station sections, accurately identify signals of train captains and direct station train operators permitting the trains to run.

5. While operating trains, train drivers shall have the responsibility to check the technical conditions of locomotives and other matters related to safety of the locomotives and train operations according to regulations.

6. While performing their tasks, train drivers and assistant drivers must alertly monitor and strictly follow the instructions on signal boards, signboards, markerposts on roads, observe road and bridge conditions and displays of signals.

7. In the course of operating trains, train drivers must check automatic brake effects according to procedures and regulations, particularly in cases where trains climb up or down high and long slopes.

8. Train assistant drivers are persons who assist train drivers in the course of train operation, supervising train speeds and observing signals to promptly notify train drivers for handling.

**Article 50.-** Train-running controllers are persons who directly command train operation in accordance with the timetable on an assigned rail route, depot-to-depot section; directly pass the orders to command rescue and salvage trains upon the occurrence of train operation incidents; issue orders to blockade depot-to-depot sections, speed warning orders to relevant units; issue order to suspend train operations if deeming it unsafe for train operation.

**Article 51.- Direct station train controllers**

1. Direct station train controllers are persons who administer the train formation, cargo loading

and unloading, reception and seeing off of passengers, organize the shunting, reception, sending of trains and other related activities in stations according to timetable, issue orders to command train operations, train operation process and regulations; participate in settling railway traffic accidents according to the provisions in Article 11 of this Law.

2. Direct station train controllers shall have the right to refuse to permit the operation of trains if deeming that necessary conditions are not fully met and have the responsibility to promptly notify the train-running controllers thereof.

3. Direct station train controllers shall have the responsibility to inspect necessary safety conditions in accordance with regulations on technical standards, professional standards and other matters related to safety for people, means, equipment and cargoes while performing their tasks.

#### **Article 52.- Switch men**

1. Switch men are persons who are subject to the direct command and administration direct station train controllers, managing, supervising, inspecting and using switches in service of the work of organizing station train operations according to timetable, train operation commands, process and regulations, technical management rules of stations.

2. Switch men shall have the responsibility to inspect necessary safety conditions in accordance with regulations on technical standards, professional standards and other matters related to train operation safety while performing the assigned tasks.

#### **Article 53.- Chief shunters, couplers**

1. Chief shunters are persons who are subject to the command and administration of direct station train controllers, organizing and performing the locomotive-carriage shunting and coupling in service of the organization of train operations, cargo loading and unloading, passenger transportation of the stations according to train operation commands, process and regulations, technical management rules of stations.

2. Couplers are persons who are subject to the direct command and administration of chief shunters, performing the locomotive-carriage shunting and coupling according to the stations' technical management process, regulations and rules.

3. Chief shunters and couplers shall have the responsibility to inspect necessary safety conditions in accordance with the regulations on technical standards, professional standards and other matters related to train operation safety while performing the assigned tasks.

#### **Article 54.- Railroad, bridge, tunnel patrollers, tunnel guards; crossroad, common bridge guards**

1. The railroad, bridge and tunnel patrollers and tunnel guards shall have the following

responsibilities:

- a) To check and monitor regularly and detect in time failures, obstacles and handle them to ensure train operation safety within the assigned geographical boundaries; to fully note down in patrol and guard books and report thereon to superiors according to regulations;
- b) To repair, handle in time minor failures, obstacles; to participate in maintaining railroads, bridges, tunnels as assigned;
- c) To promptly protect, quickly notify or signal trains to stop upon detection of failures, obstacles which threaten the railway communications and transport safety; to participate in protection of railway infrastructures and railway traffic means within the assigned scope.

2. Crossroad, common bridge guards shall have the following responsibilities:

- a) To close, open crossroad barriers in time, ensure safety for people and means joining in land traffic when railway traffic means run across crossroads;
- b) To directly check, preserve, maintain and use works, crossroad barrier equipment compatible with regulations on technical standards, process and regulations.

## **Chapter V**

### **URBAN RAILWAYS**

#### ***Article 55.- Types of urban railway***

1. Urban railways shall include subways, overhead trains, automatic-guided mono-rail and iron-wheel tramways.
2. Urban railway investment, construction, management and business shall be organized by provincial-level People's Committees.

#### ***Article 56.- Urban railway development policies***

1. The State shall mobilize resources for development of urban railway into one of the major traffic modes in big cities.
2. Provincial-level People's Committees shall propose undertakings on construction investment, incentive policies to attract resources for investment in construction and exploitation of urban railways.
3. Organizations and individuals investing in the construction of urban railways shall be entitled to enjoy the following preferences:

- a) The preferences specified in Clause 3, Article 18 of this Law;
  - b) To be provided with partial central budget support by the State in the total investment amount for the approved urban railway projects.
4. Annually, the State shall deduct a sum from the central budget to support urban mass transit, including urban railway communications and transport.

**Article 57.- Conditions for formulation of investment projects on urban railway construction**

1. Upon the formulation of investment projects on urban railway construction, the following conditions must be fully met:

- a) The urban centers must be big, reaching the prescribed socio-economic standards;
- b) The undertaking on investment in construction of urban railways must be adopted by provincial-level People's Councils;
- c) The investment projects on construction of urban railways must be in line with the provincial/municipal plannings on urban traffic development
- d) Investors must have adequate sources of capital for execution of investment projects on construction of urban railroads and ensure stable, long-term and efficient operation thereof after their completion.

2. The Government shall stipulate the standards of urban centers to be invested with the construction or urban railways, specify the implementation of Clauses 3 and 4, Article 56 of this Law.

**Article 58.- Basic requirements upon construction of urban railway infrastructures**

The construction of urban railway infrastructures must satisfy the following basic requirements:

- 1. Being compatible with urban railway technical standards, ensuring the work quality according to technical grades promulgated by the Minister of Transport;
- 2. Ensuring the combination with other modes of urban mass transit and national railways in order to create favorable conditions for passengers to get transition between various traffic modes;
- 3. Satisfying long-term passenger transportation demand along the orientation for urban development;
- 4. Protecting environment, not disrupting urban landscapes.

**Article 59.- Urban railway bridges, tunnels, stations, stops**

1. Bridge abutments and piers near land roads or props at dangerous positions of subways must be firm and steady against all crashes of traffic means.
2. Urban railway tunnels must be each furnished with fire prevention and fighting system which must be firm and steady upon occurrence of fires; must be dry, not water-logged; with air ventilating system, emergency exit system, salvage and rescue systems.
3. Urban railway stations and stops must have signboards, instructions on rail routes, stations, stops on routes; ensure conditions for passengers to travel with convenience and safety; have equipment for information supply, ticket sale, supervision of passengers embark and disembark the trains, go into and out the stations; have emergency telephone systems, first-aid facility and reserve electricity supply system for subways stations.

**Article 60.- Scope of work protection and urban railway traffic safety corridors**

1. The urban railway work protection scope and urban railway traffic safety corridors must ensure safety for means and people participating in railway traffic; conform to types of urban railway traffic means and urban terrains and structures.
2. The urban railway work protection scope and urban railway traffic safety corridors shall be defined by the Minister of Transport for each urban railway traffic mode.

**Article 61.- Management and maintenance of urban railway infrastructures**

1. Urban railway business enterprises shall have the responsibility to maintain urban railway infrastructures invested by the State through bidding or public-utility product and/or service orders placed by provincial-level People's Committees.
2. Provincial-level People's Committees shall stipulate the management and maintenance of urban railway infrastructures by organizations or individuals investing in urban railway business according to the provisions of law.

**Article 62.- Urban railway transport business**

1. Urban railway transport business is a conditional business.
2. The ticket prices of urban railway transportation shall be stipulated by provincial-level People's Committees.

The urban railway transport freight subsidy shall be implemented under contracts between provincial-level People's Committees and urban railway transport enterprises.

3. The urban railway transport enterprises must ensure safe, regular and timely train operations.

4. The urban railway transport enterprises must buy civil liability insurance according to the provisions of law on insurance business.

## **Chapter VI**

### **RAILWAY TRAFFIC SIGNALS AND RULES, ASSURANCE OF RAILWAY COMMUNICATIONS AND TRANSPORT ORDER AND SAFETY**

#### **Section 1. RAILWAY TRAFFIC SIGNALS AND RULES**

##### ***Article 63.- Railway traffic signals***

1. The railway traffic signal system shall include orders of persons participating in controlling train operations, color light signals, semaphore signals, signal boards, protection flares, torches and signals of trains. The signal displays are orders and conditions for train operation and shunting.
2. Orders of persons participating in controlling train operations shall include banners, whistles, telephones, lights and hand signals.
3. Color signal lights are those used to signal train drivers to operate trains to enter, exit or get through stations, or stop the trains.
4. Semaphore signals are those used to signal train drivers to operate trains in, out or past stations, or to stop at places where there are no color light signals.
5. Signal boards shall include the two following groups:
  - a) Signal boards for supply of necessary information to train drivers;
  - b) Signboards, sign-markers for compelling train drivers to abide by.
6. Protection flares, torches, red light, rotating hand devices for signaling trains to urgently stop.
7. Trains' signals shall include lights, horns, rear signal boards and banners.
8. The Minister of Transport shall specify the railway traffic signals.

##### ***Article 64.- Train operation command***

1. The train operation in each depot-to-depot section shall be commanded by only one train-running controllers. Superiors' train operation orders must be executed through train-running controllers' commands. Direct station train controllers, train captains, train drivers must strictly abide by the train-running controllers' commands.
2. Within railway stations, direct station train controllers shall be the persons commanding the

train operations. Train captains and drivers must abide by the orders of station train controllers or by the signals' display.

3. Onboard trains, train captains are the persons commanding to ensure safe train operation.
4. On single locomotives, urban trains, train drivers are the persons commanding the train operation.

#### ***Article 65.- Train speed***

1. Train speed must not exceed the speed provided in the speed pass for each rail route, depot-to-depot section or station-to-station section and comply with train operation timetable.
2. At railway sections with warning signs indicating speeds other than those provided in speed pass, train drivers must operate trains at the lowest speed to ensure safe train operation.

#### ***Article 66.- Train formation***

1. The train formation must strictly comply with the railway technical process and regulations.
2. Only carriages satisfying technical safety standards can be coupled.
3. It is forbidden to couple carriages carrying animals or stinky goods, inflammables, explosive, or hazardous substances, dangerous commodities with passenger trains.

#### ***Article 67.- Train shunting***

1. Train shunting means moving locomotives, carriages from one position to another within a railway station or a station-to-station section. Train shunting must be conducted under plans of direct station train controllers.
2. In the course of train shunting, train drivers must obey the command of chief shunters.

#### ***Article 68.- Operating trains***

1. When operating trains, train drivers must observe the following regulations:
  - a) To operate trains to move out of stations, get through stations, stop, give ways or overtake in stations on the order of direct station train controllers;
  - b) To be allowed to operate trains into station-to-station sections only where there are possessions;
  - c) To be allowed to operate trains to enter stations, get past stations according to color light signals, semaphore signals and signals of direct station train controllers;

- d) To run train at the speeds provided for in Article 65 of this Law;
- e) In the course of operating trains, train drivers and assistant drivers on duty must not leave the working places.
2. Passenger trains can run only when all doors of passenger cars are closed. Passenger cars' doors shall be opened only when trains have completely stopped in railway stations.

**Article 69.- Giving ways, overtaking by trains**

1. Giving ways, overtaking by trains must be done in railway stations.
2. Train drivers shall give way to, overtake other trains on national railways, specialized railways by order of direct station train controllers; on urban railways, by order of urban train operators.

**Article 70.- Stopping, reversing trains**

Train drivers must stop trains when seeing stop signals; when detecting circumstances which threaten train operation safety or when receiving signals for emergency stop, they are allowed to urgently stop or reverse the trains. In cases of urgent stop or reversal, train captains and drivers shall have the responsibility to notify the station authorities thereof according to regulations on train operation process.

**Article 71.- Traffic at crossroads, on common bridges, in tunnels**

1. At crossroads and on common bridges, the traffic priority right shall belong to trains.
2. Train drivers must blow whistles before entering crossroads, must switch on the headlights when running in tunnels.
3. Land traffic participants traveling through crossroads and common bridges must comply with the provisions of Article 23 of the Law on Road Traffic.
4. At crossroads or on common bridges with guards, when signal lights do not work or give wrong signals against regulation, when road barriers are out of order, the crossroad guards, common bridge guards must control the traffic.

**Article 72.- Abiding by railway traffic signals**

1. Persons directly participating in train operation must abide by the railway traffic signals.
2. Train drivers must abide by the signals safest for people and means when simultaneously receiving different signals or unclear signals; in cases of signals given directly by traffic controllers, they must abide by the signals of such controllers.
3. In cases where iron-wheel trams join in road traffic, the tram drivers must abide by the road

traffic signals.

## **Section 2. ASSURANCE OF RAILWAY COMMUNICATIONS AND TRANSPORT ORDER AND SAFETY**

### ***Article 73.- Activities of ensuring railway communications and transport order and safety***

1. Activities of ensuring railway communications and transport order and safety shall include:

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

b) Ensuring the concentrated and unified control of communications and transport activities on national railways or urban railways.

2. Organizations and individuals must observe the legal provisions on ensuring railway communications and transport order and safety.

3. Acts of violating the regulations on railway communications and transport order and safety must be detected in time, strictly handled according to law.

4. Organizations and individuals participating in railway communications and transport activities, the railway security forces shall have the responsibility to ensure railway communications and transport order and safety. The police forces and local administrations at all levels in localities where railway stations are located and rail routes run through shall, within the scope of their respective tasks and powers, have the responsibility to ensure railway communications and transport security, order and safety.

### ***Article 74.- Contents of railway communications and transport controlling***

1. Controlling communications and transport on national railways, urban railways shall cover the following contents:

a) Making timetable and path allocation without discrimination between railway transport enterprises; publicizing train operation timetable;

b) Commanding train operations in a concentrated and unified manner, ensuring safe and smooth operations according to the publicized train operation timetable, process, regulations and the superiors' orders;

c) Commanding the handling of urgent or extraordinary incidents occurring on railways; mobilizing means, equipment and human resources of enterprises in the railway sector for work of rescue and remedy of railway incidents; participating in analyzing the causes of incidents; requesting railway infrastructure or railway transport enterprises to apply measures to prevent and combat incidents, raise the quality, reliability and safety of railway communications and

transport;

d) Suspending train operation when deeming it threatening to cause unsafety for train operations; adjusting itineraries of trains in each depot-to-depot section, each rail route, the entire railway networks in order to restore train operation timetable after accidents or incidents;

e) Signing contracts with railway infrastructure enterprises for use of railway infrastructure for train operation; signing contracts with railway transport enterprises for provision of controlling services and other services related to railway communications and transport;

f) Receiving and synthesizing information related to railway communications and transport control;

g) Requesting competent state agencies to recover safety certificates of railway business enterprises when detecting that such enterprises have failed to satisfy the conditions prescribed in the safety certificates;

h) Coordinating with international railway organizations in controlling railway communications and transport.

2. Financial sources for activities of controlling national railway or urban railway communications and transport shall include:

a) Charges for services on controlling railway communications and transport activities;

b) Other revenue sources as provided for by law.

### ***Article 75.- Safety certificate***

1. To be entitled to participate in railway communications and transport activities, railway business enterprises must acquire safety certificates issued by state management agencies in charge of railway activities.

2. To be granted safety certificates, railway business enterprises must satisfy the following conditions:

a) Personnel managing, controlling and serving railway communications and transport activities of railway business enterprises must be trained to suit their respective titles and technical grades;

b) Railway traffic means owned or hired by railway transport enterprises must ensure the technical safety standards which have been certified by registry offices and must be suitable to railway infrastructures;

c) Railway infrastructures of railway infrastructure enterprises must ensure safety and be suitable to the railway technical grades announced by the enterprises in the speed pass, load pass and

information related to railway communications and transport activities.

3. The Ministry of Transport shall specify the conditions, contents of, and procedures for granting safety certificates and types of railway business enterprises which must acquire safety certificates.

#### **Article 76.- Train operation timetable**

1. Train operation timetables constitute a basis for organizing train operations, which are elaborated annually, periodically and seasonally for each route and the entire railway network. The train operation timetables must be formulated on the principle of non-discrimination and publicization to all railway transport enterprises.

2. The formulation of train operation timetables must be based on the following elements:

a) Transport enterprises' demands in terms of transport duration, goods volumes, numbers of passengers and transport quality; transport routes, departure, stop and destination stations;

b) Capacity of railway infrastructures and railway transport means;

c) The time needed for the maintenance or repair of railway infrastructures;

d) The priority order for trains running on the same routes.

3. The Minister of Transport shall define the priority order for trains.

#### **Article 77.- Train operation timetable-formulating order**

1. Train operation timetable drafts must be based on the provisions of Clause 2, Article 76 of this Law and sent to railway business enterprises and state management agencies in charge of railway activities.

2. In cases where any railway transport enterprises disagree with the train operation timetable drafts, the railway communications and transport-controlling organizations shall assume the prime responsibility for negotiations and agreement with relevant railway transport enterprises, railway infrastructure enterprises. In case of failure to reach agreement, bidding shall be held and the railway transport enterprises which offer the highest payable charge for use of infrastructures shall be allocated train operation timetables according to their demands.

3. The process of formulating train operation timetables specified in Clauses 1 and 2 of this Article shall be supervised by state management agencies in charge of railway activities.

#### **Article 78.- Principles for train operation controlling**

Train operation controlling must observe the following principles:

1. Being concentrated and unified; compliant with the publicized train operation timetables, process, regulations;
2. Ensuring safe and smooth railway communications and transport according to train operation timetables;
3. Being non-discriminatory between railway business enterprises.

**Article 79.- Handling of railway incidents, violations upon detection thereof**

1. Persons who detect acts or incidents which may obstruct or cause unsafety to railway communications and transport shall have to report them in time to station authorities, railway units, local administrations or the nearest police offices for taking handling measures; in case of urgency, measures must be taken immediately to signal the trains to stop.
2. Organizations or individuals that receive such reports or signals to urgently stop the trains must take immediate handling measures to ensure railway communications and transport safety and notify units which directly manage the railway infrastructures thereof so as to take initiative in coordinating with relevant units in quickly applying remedies.
3. Organizations or individuals that commit acts of obstructing, or causing unsafety to, railway communications and transport must be handled and pay compensations according to the provisions of law.

**Article 80.- Responsibility to maintain order and safety in railway activities of railway business enterprises**

1. Railway business enterprises shall have the responsibility to organize the maintenance of order and safety in railway activities under their respective management; to assume the prime responsibility for, and coordinate with police offices, local administrations in, preventing, stopping and handling according to competence acts of violating the legislation on railways and take responsibility before law for their own decisions.
2. The train security forces shall be equipped with facilities, uniforms, badges, support tools under the Government's regulations and have the following tasks:
  - a) To detect and stop acts of infringing upon the life, health, property of people, causing disorder, unsafety and other acts of law violation onboard trains; to temporarily hold in custody according to administrative procedures and hand over the violators to station chiefs, police offices of local administrations when trains stop at the nearest stations;
  - b) To stop, apply coercive measures against persons who commit acts of illegally obstructing train operations, throwing earth, rocks or other objects thus causing damage or unhygiene to trains; to temporarily hold in custody and hand over violators to station chiefs, police offices or local administrations when trains stop at the nearest stations;

c) To coordinate with the railway infrastructure-security forces, police forces and local administrations in promptly detecting and preventing acts of encroaching upon railway infrastructures, railway traffic means, causing unsafety to railway communications and transport;

d) To participate in settling, redressing incidents, natural disasters, railway accidents as defined in Article 11 and Article 37 of this Law.

**Article 81.- Police forces' responsibility to ensure security, order and safety in railway activities**

The police forces shall, within the scope of their tasks and powers, have to assume the prime responsibility for, and coordinate with railway security forces, railway inspectorate, railway officials, public servants and employees and local administrations in localities where railway stations are located and/or railways run through in, organizing the maintenance of security, order and safety in railway activities.

**Article 82.- People's Committees' responsibility to ensure security, order and safety in railway activities**

1. People's Committees at all levels shall, within the scope of their tasks and powers, have to organize the implementation of the provisions of Clause 2, Article 10 of this Law in order to raise the people's sense of maintaining railway traffic security, order and safety.

2. People's Committees at all levels of the localities where railway stations are located and/or rail routes run through shall have the following responsibilities:

a) To direct the local police forces in coordinating with the railway security forces to prevent and handle in time acts of encroaching upon railway infrastructures and/or railway traffic means and other acts of violating the legislation on railway communications and transport safety;

b) To participate in settling railway traffic accidents under the provisions of Article 11 of this Law.

## **Chapter VII**

### **RAILWAY BUSINESS**

**Article 83.- Railway business activities**

1. Railway business activities cover railway infrastructure business, railway transport business and provision of services in support of railway transport.

2. Railway business is a conditional business. The Government shall specify the conditions, contents, order of granting, amending, supplementing, withdrawing railway business registration certificates.

#### **Article 84.- Non-discrimination in railway business**

In railway business, the following acts of discrimination must not be committed:

1. Permitting the use of railway infrastructures and railway communications and transport services under preferential conditions without plausible reasons;
2. Requesting railway business enterprises to meet railway communications and transport safety conditions higher than those promulgated by the Minister of Transport;
3. Putting forth conditions with a view to prioritizing a specific enterprise;
4. Not permitting railway transport business enterprises to use railway infrastructures without plausible reasons;
5. Not issuing safety certificates on time or delaying the hand-over of safety certificates without plausible reasons;
6. Putting forth unlawful conditions to prevent enterprises from participating in railway business.

#### **Article 85.- Railway infrastructure business**

1. Railway infrastructure business means activities of investing in, managing, maintaining railway infrastructures for sale, contracting, lease or collecting charges for use of railway infrastructures and other services on the basis of tapping the capacity of railway infrastructures managed by the enterprises.
2. Organizations or individuals using railway infrastructures of the State or other organizations or individuals for business activities must pay rentals or charges for use of railway infrastructures.
3. The State-invested railway infrastructures shall be assigned to enterprises for business via bidding, order placement or plan assignment.
4. Organizations or individuals investing in the construction of railway infrastructures shall be entitled to do business on the railway infrastructures they have invested in.

#### **Article 86.- Railway infrastructure-using charges, rentals**

1. The railway infrastructure-using charges are sums payable for operating trains on rail routes, route sections or depot-to-depot sections.
2. The railway infrastructure rentals are sums payable for use of one or a number of railway works not directly related to train operations.
3. The Prime Minister shall specify the rates of charges and rentals for use of railway infrastructures invested by the State. The charges and rentals for use of railway infrastructures

not invested by the State shall be decided by investors in such railway infrastructures.

**Article 87.- The financial sources for management and maintenance of State-invested railway infrastructures**

1. The financial sources for management and maintenance of State-invested railway infrastructures shall include:

- a) The state budget;
- b) Other revenues as provided for by law.

2. The management and use of financial sources from the state budget for management and maintenance of railway infrastructures shall comply with the regulations of the Government.

**Article 88.- Rights and obligations of railway infrastructure enterprises**

1. Railway infrastructure enterprises shall have the following rights:

- a) To do business with railway infrastructures according to the contents of the granted railway infrastructure business registration certificates;
- b) To request organizations or individuals conducting activities related to railway infrastructures under their respective management to strictly observe the technical process and regulations on railway infrastructures;
- c) To be placed orders or assigned plans by the State for activities of managing and maintaining State-invested railway infrastructures under their respective management;
- d) To participate in bidding for, execution of railway infrastructure investment projects of other investors;
- e) To lease railway infrastructures they have invested in;
- f) To set and submit for approval rates of rental, charge for use of State-invested railway infrastructures under their respective management; to decide on rental, charge rates for use of railway infrastructures they have invested in;
- g) To suspend train operations when deeming that railway infrastructures threaten train operation safety;
- h) To be compensated for damage in cases where railway infrastructures are damaged by other organizations or individuals that are at fault;
- i) Other rights as provided for by law.

2. Railway infrastructure enterprises shall have the following obligations:

- a) To manage railway infrastructure capital and assets invested by themselves or assigned by the State under the provisions of law;
- b) To maintain the technical conditions and raise the quality of railway infrastructures under their respective management, ensuring constantly safe and smooth railway traffic;
- c) To publicize annual stable speed passes, load passes, which are suitable to the permitted technical conditions on rail routes, route sections, depot-to-depot sections under their respective management, for use as bases for train operations;
- d) To supply technical and economic information related to railway infrastructure capacity at the request of customers, railway communications and transport-controlling organizations and state management agencies in charge of railway activities;
- e) To draw up plans for management, maintenance and investment development of railway infrastructures, meeting the transport demands and conforming to the planning on railway communications and transport development;
- f) To prevent, combat and promptly address consequences of incidents, natural disasters, railway traffic accidents in order to ensure safe and smooth railway traffic; to submit to the direction and force mobilization by natural disaster-preventing and fighting and railway traffic accident-handling organizations according to regulations;
- g) To notify in time incidents threatening train operation safety and the suspension of train operations to direct station train controllers at both ends of the station-to-station section where the incidents have occurred and railway communications and transport controllers;
- h) To pay compensations for damage caused by their faults according to the provisions of law;
- i) Other obligations as provided for by law.

**Article 89.- Railway transport business**

1. Railway transport business shall cover the business in transportation of passengers, luggage and cargo luggage and cargo transportation on railways.

2. Railway transport business enterprises shall be allowed to use railway infrastructures and be provided with railway traffic services only when they fully satisfy the following conditions:

- a) Having railway transport business registration certificates;
- b) Possessing safety certificates;
- c) Having contracts on the provision of railway communications and transport-controlling

services by railway communications and transport-controlling organizations.

**Article 90.- Rights and obligations of railway transport business enterprises**

1. Railway transport business enterprises shall have the following rights:

- a) To conduct railway transport business according to the contents of their granted railway transport business registration certificates;
- b) To be equally treated when participating in railway transport business;
- c) To use railway infrastructures on rail routes, route sections, station-to-station sections under contracts on use of railway infrastructures;
- d) To be assured of the quality of railway communications and transport-controlling services and railway infrastructure capacity as committed by railway communications and transport-controlling organizations;
- e) To be supplied with technical and economic information related to railway infrastructure capacity;
- f) To suspend train operations of enterprises when deeming that railway infrastructures threaten to cause unsafety to train operations;
- g) To be compensated for damage caused by faults of railway communications- and transport-controlling organizations or railway infrastructure enterprises;
- h) Other rights as provided for by law.

2. Railway transport business enterprises shall have the following obligations:

- a) To organize train operations according to timetables, load passes, speed passes, which have been publicized by railway infrastructure enterprises;
- b) To pay charges, rentals for use of railway infrastructures and railway traffic services;
- c) To fully meet the train operation safety conditions in the course of exploitation;
- d) To promptly notify railway communications and transport-controllers of the suspension of train operations of enterprises;
- e) To submit to the direction, force mobilization by railway communications-and transport-controlling organizations and natural disaster-preventing and fighting as well as railway traffic accident-handling organizations according to regulations;

- f) To pay compensations for damage caused by their faults according to the provisions of law;
- g) To supply information on transport demands, capacities of transport means and equipment to railway communications and transport-controlling organizations in service of formulation and distribution of train operation timetables and to railway infrastructure business enterprises, which shall serve as basis for elaboration of plans on investment in upgrading, maintenance of railway infrastructures;
- h) Other obligations as provided for by law.

#### **Article 91.- Passenger transportation contracts**

1. Contracts for passenger transportation mean the agreement between railway transport business enterprises and passengers, cargo luggage consignors on transportation of passengers, luggage, cargo luggage, whereby the railway transport business enterprises undertake to transport passengers, luggage, cargo luggage from departure places to destination places. The contracts for transportation of passengers, luggage, cargo luggage determine the relations in obligations and interests between parties and shall be made in writing or other forms agreed upon by the two parties.
2. Passenger tickets are evidences of the conclusion of contracts on passenger transportation. Passenger tickets shall be issued by passenger transportation business enterprises in forms registered with competent state management agencies.

#### **Article 92.- Cargo transportation contracts**

1. Contracts for cargo transportation mean the agreement between railway transport business enterprises and transport hirers, whereby the railway transport business enterprises undertake to transport cargoes from places of reception to places of delivery to cargo consignees specified in the contracts. The cargo transportation contracts determine relations in obligations and interests between the parties and shall be made in writing or other forms agreed upon by the two parties.
2. Cargo consignment invoices constitute a part of the transportation contracts, issued by railway transport business enterprises in forms registered with competent state management agencies. The railway transport business enterprises shall have to make invoices and hand them to transport hirers after the transport hirers consign cargoes; contain the signatures of transport hirers or their authorized persons. The invoices are documents on cargo delivery and reception between railway transport business enterprises and transport hirers, and the evidence for settlement of disputes.
3. Cargo consignment invoices must clearly state types of cargoes; signs and codes of cargoes; volumes and weight of cargoes; places of cargo delivery, places of cargo reception, names and addresses of cargo consignors, names and addresses of cargo consignees; transport freight and arising expenses; other details inscribed in the invoices under the agreement between the railway transport business enterprises and the transport hirers; the certification by railway transport

business enterprises of conditions of cargoes received for transportation.

**Article 93.- Ticket prices, railway transport freight**

1. The ticket prices of passenger transportation, freight of luggage, cargo luggage, cargo transportation on railways shall be decided by railway transport business enterprises.
2. The ticket prices and transportation freight must be publicized and posted up at railway stations at least five days before the application thereof, for passenger, luggage and cargo luggage transportation, and ten days for cargo transportation, except for case of price reduction.
3. Freight for transportation of superlong, superweight cargoes shall be agreed upon by railway transport business enterprises and transport hirers.
4. The ticket price exemption or reduction for social policy beneficiaries shall comply with the regulations of the Government.

**Article 94.- International transportation**

1. International transportation means the transportation from Vietnam to foreign countries, transportation from foreign countries to Vietnam or transit in Vietnam to a third country by railways.
2. Railway transport business enterprises of all economic sectors, when participating in international transportation, must satisfy all the conditions specified in Article 89 of this Law and the provisions of international treaties on railway transport, to which the Socialist Republic of Vietnam is a contracting party.

**Article 95.- Transportation in service of special tasks**

1. Transportation in service of special tasks means the transportation of people, cargoes and equipment to overcome consequences of natural disasters, accidents, to combat epidemics, to perform urgent defense or security tasks.
2. Railway transport business enterprises shall have to carry out the transportation in service of special tasks at the request of heads of competent state agencies according to the provisions of law.

**Article 96.- Services in support of railway transportation**

Services in support of railway transportation shall include:

1. Railway communications and transport controlling;
2. Cargo loading and unloading;

3. Cargo warehousing, preservation;
4. Cargo delivery and reception;
5. Transport agency;
6. Transport means lease, purchase, repair;
7. Other services related to the organization and implementation of transportation of passengers, luggage, cargo luggage and cargoes by rail.

**Article 97.- Rights and obligations of passenger, luggage, cargo luggage transport business enterprises**

1. Railway transport business enterprises, when doing business in passenger, luggage and cargo luggage transportation shall have the following rights:

a) To request passengers to fully pay freight for transportation of passengers, cargo luggage and freight for transportation of luggage in excess of the prescribed levels;

b) To check the weight, packing specifications of cargo luggage of consignors and consigned luggage of passengers before transportation thereof; in case of any doubts about the truthfulness of declaration on the categories of cargo luggage, consigned luggage against reality, to request the consignors or passengers to open the cargo luggage or consigned luggage for check;

c) To refuse to transport passengers violating the regulations of railway transport business enterprises;

d) The rights defined in Clause 1, Article 90 of this Law.

2. Railway transport business enterprises, when doing business in transportation of passengers, luggage, cargo luggage shall have the following obligations:

a) To publicly post up necessary regulations related to train passengers;

b) To transport passengers, luggage, cargo luggage from places of departure to places of destination inscribed in tickets and ensure safety, timeliness;

c) To serve passengers in a civilized, elegant and thoughtful manner and to organize forces in service of disabled passengers entering stations, embarking trains, disembarking trains comfortably;

d) To ensure minimum conditions for passengers' daily-life activities in case of transport interruption due to accidents, natural calamities or enemy sabotage;

e) To hand over passenger tickets, luggage tickets, cargo luggage tickets to passengers who have

already made full payment;

f) To refund ticket money, to compensate for damage and other arising expenses when causing loss of, or damage to, human lives and/or health as well as property of passengers due to the faults of railway transport business enterprises;

g) To submit to and create favorable conditions for competent state management agencies to check passengers, luggage and/or cargo luggage when necessary;

h) Other obligations defined in Clause 2, Article 90 of this Law.

**Article 98.- Responsibility for insurance in passenger transportation business**

1. Passenger transportation business enterprises must buy insurance for passengers; the insurance premiums shall be calculated in passenger ticket prices.

2. Passenger tickets, train travel papers are evidence for payment of insurance indemnities upon the occurrence of insured incidents.

3. The passenger insurance shall comply with the provisions of legislation on insurance business.

**Article 99.- Rights and obligations of passengers, cargo luggage consignors**

1. Passengers and cargo luggage consignors shall have the following rights:

a) To be transported according to tickets;

b) To be exempt from freight for 20 kilograms of accompanied luggage; the freight exemption for over 20 kilograms shall be stipulated by railway transport business enterprises;

c) To be refunded the ticket money, compensated for damage according to the provisions of Point f, Clause 2, Article 97 of this Law;

d) To be entitled to return tickets at departure stations within the prescribed time limits and receive back the ticket money after deduction of fees;

e) To have their lives and health insured under the provisions of law.

2. Passengers and cargo luggage consignors shall have the following obligations:

a) Passengers travelling by trains must have valid passenger tickets and luggage tickets and have to protect their accompanied luggage by themselves. Train travellers having no tickets or invalid tickets shall have to buy supplementary tickets according to the regulations of railway transport business enterprises;

b) Passengers having consigned luggage and cargo luggage consignors must declare the

appellations, volumes of goods, pack goods according to regulations and assign them to railway transport business enterprises on time, at the right places and take responsibility for their declarations;

c) Passengers, cargo luggage consignors must compensate for loss of, or damage to, property of railway transport business enterprises;

d) Passengers must strictly abide by the train regulations and relevant provisions of law.

### **Article 100.- Rights and obligations of cargo transport business enterprises**

1. Railway transport business enterprises, when doing business in cargo transportation, shall have the following rights:

a) To refuse to transport goods failing to comply with the regulations on packing, packages, signs, codes of goods and goods banned by the State;

b) To request transport hirers to open packages for examination in case of doubts about the truthfulness of their declaration on types of goods as compared with reality;

c) To request transport hirers to fully pay transport freight and arising expenses;

d) To request transport hirers to pay compensations for damage they have caused due to their faults;

e) To request goods expertise when necessary;

f) To hold goods in cases where transport hirers fail to fully pay transport freight and arising expenses as agreed upon in contracts;

g) To handle goods which consignees decline to receive, abandoned goods under the provisions of Article 106 of this Law;

h) To fine for unuse of wagons due to slow loading, unloading of cargoes;

i) The rights defined in Clause 1, Article 90 of this Law.

2. Railway transport business enterprises, when doing business in cargo transportation, shall have the following obligations:

a) To publicly post up the necessary regulations related to cargo transportation;

b) To transport cargoes to destination places and hand over the cargoes to consignees under transport contracts;

c) To promptly notify the transport hirers upon the arrival of cargoes transported to places of

delivery, when the transportation is interrupted;

- d) To keep and preserve cargoes in cases where consignees refuse to receive the cargoes or the cargoes cannot be delivered to the consignees and notify the transport hirers thereof;
- e) To pay damages to transport hirers when causing loss of, damage to, the cargoes or late transportation due to railway transport business enterprises' faults;
- f) Other obligations defined in Clause 2, Article 90 of this Law.

### **Article 101.- Rights and obligations of transport hirers**

1. Transport hirers shall have the following rights:

- a) To alter cargo transport contracts even when cargoes have been consigned to railway transport business enterprises or cargoes have been loaded onto carriages and to bear expenses incurred due to alteration of transport contracts;
- b) To redesignate persons to receive the cargoes which have not yet been handed over to the previous eligible consignees; to change places of delivery or request the transportation of cargoes back to sending places and bear all costs incurred due to changes of cargo consignees or places of delivery;
- c) To be compensated when cargoes are lost, reduced in weight, damaged or deteriorated in quality, delayed in transportation due to the faults of railway transport business enterprises.

2. Transport hirers shall have the following obligations:

- a) To declare their cargoes honestly and to be accountable for such declarations;
- b) To pay freight on time and by modes agreed upon in contracts;
- c) To pack their cargoes and satisfy the transport conditions under guidance of railway transport business enterprises;
- d) To hand over cargoes to railway transport business enterprises on time, at the right places;
- e) To supply papers, documents and other necessary information on cargoes;
- f) To pay compensations for damage caused by dishonest declarations of cargoes to railway transport business enterprises or other damage caused due to their faults.

### **Article 102.- Transport of dangerous goods**

1. Dangerous goods are goods which, when being transported on railways, may cause harms to

human health or lives and environmental hygiene.

2. The railway transportation of dangerous goods must comply with the provisions of legislation on transportation of dangerous goods.
3. Only the railway transport means which fully satisfy the technical safety conditions can be allowed to carry dangerous goods.
4. Dangerous goods must not be loaded, unloaded in crowded railway stations, urban stations.
5. The Government shall define the list of dangerous goods and conditions for railway transportation of dangerous goods.

***Article 103.- Transportation of live animals***

1. The railway transportation of live animals requires escorts who must have train tickets.
2. Transport hirers must themselves be responsible for loading, unloading of live animals and cleaning carriages after the cargoes are unloaded. In cases where transport hirers fail to do so, they shall have to pay the costs of loading and unloading of live animals and carriage cleaning to railway transport business enterprises.
3. The railway transportation of live animals must comply with the regulations on hygiene, epidemic prevention, environmental protection and the regulations on cargo transport on railways.

***Article 104.- Transportation of corpses, remains***

1. Corpses and remains, when being transported on railways, require escorts. The escorts must have train tickets.
2. Corpses and remains can be transported on railways only when they are accompanied with adequate papers required by law and the procedures for transportation must be carried out at least twenty four hours before the trains leave. The corpses must be put in coffins, remains must be packed according the provisions of legislation on epidemic prevention and hygiene and environmental protection.
3. Corpses and remains must be removed from railway stations within two hours after the trains arrive at the stations; if this regulation is violated, the railway transport business enterprises shall take timely handling measures and may request owners of such corpses or remains to pay all arising expenses.

***Article 105.- Transportation of superlong or superweight cargoes***

1. The railway transportation of superlong or superweight cargoes must be permitted by

competent agencies or organizations.

2. Railway transport business enterprises, when transporting superlong or superweight cargoes, must work out plans for organizing loading, unloading, reinforcement, transportation, assurance of safety for train operations and railway infrastructures.

**Article 106.- Handling of cargoes, luggage, cargo luggage without receivers or with receivers who refuse to receive them**

1. Within ten days as from the date the railway transport business enterprises notify the transport hirers that their cargoes, luggage and/or cargo luggage have been transported to places of delivery but there are no receivers or the receivers refuse to receive the cargoes, the railway transport business enterprises shall have the right to deposit cargoes, luggage and/or cargo luggage into safe and appropriate places and immediately notify the transport hirers thereof; all arising costs must be borne by the transport hirers.

2. After the 90-day time limit as from the date the railway transport business enterprises have notified the transport hirers and received no replies or do not receive the payment of arising expenses, the railway transport business enterprises shall have the right to auction the cargoes, luggage and/or cargo luggage to pay for the arising expenses according to the provisions of legislation on auction; if the cargoes, luggage and/or cargo luggage are easy to decay or the bailment costs are too large as compared with the value of cargoes, luggage and/or cargo luggage, the railway transport business enterprises shall have the right to auction them before the time limit provided for in this clause, but must notify the transport hirers thereof.

3. Cargoes, luggage and/or cargo luggage, which are banned from circulation or restricted from transportation under regulations and have no receivers or the receivers refuse to receive them, shall be handed over to competent state agencies for handling.

**Article 107.- Exemption of liability for damage compensation**

Railway transport business enterprises shall be exempt from liability for compensation for loss of, or damage to, cargoes, consigned luggage and/or cargo luggage in the course of transportation in the following cases:

1. Due to the natural properties or inherent defects of the cargoes, consigned luggage and/or cargo luggage;

2. The cargoes, consigned luggage and/or cargo luggage are seized under coercive decisions of competent state agencies;

3. Due to force majeure events as provided for by civil legislation;

4. Due to the faults of passengers, transport hirers, cargo, luggage and/or cargo luggage consignees or the faults of escorts appointed by transport hirers or cargo consignees.

### **Article 108.- Limits of responsibilities of railway transport business enterprises**

1. Railway transport business enterprises must compensate for the loss of, damage to, cargoes, consigned luggage and/or cargo luggage under the following regulations:

a) According to the declared values, for cargoes, consigned luggage or cargo luggage requiring value declaration; in cases where railway transport business enterprises can prove that the actual values are lower than the declared values, the compensation levels shall be calculated according to actual damage values;

b) According to the values on goods purchase invoices or at market prices at the time of compensation, for goods without value declarations but only with type and weight declarations, depending on which calculation methods yield higher results;

c) For cargoes, consigned luggage or cargo luggage without value declaration, without goods purchase invoices, the compensation level shall be calculated according to the average value of goods of the same types, but must not exceed the compensation levels set by the Minister of Transport.

2. In addition to the compensation levels specified in Clause 1 of this Article, railway transport business enterprises must refund the passengers or transport hirers the transport freight and surcharges for the loss or damaged cargoes, consigned luggage and/or cargo luggage.

### **Article 109.- Settlement of disputes**

1. Disputes over contracts in railway activities shall be settled in the following forms:

a) Through negotiations, conciliation;

b) Settlement by arbitration or courts.

2. The dispute-settling order and procedures shall comply with the provisions of law.

### **Article 110.- Time limits for complaint**

1. The time limits for complaint shall be agreed upon by the parties; in case of no agreement, the time limits for complaint shall be stipulated as follows:

a) Thirty days as from the date of causing loss of, or damage to, lives or health of passengers;

b) Sixty days for lost, decayed goods, counting from the date the goods have been delivered to consignees or would have been delivered to consignees;

c) Thirty days for consigned luggage or cargo luggage, which have been lost or decayed, counting from the date the consigned luggage or cargo luggage have been delivered to

consignees or would have been delivered to consignees.

2. Within sixty days as from the date the complaints are received, the concerned railway transport business enterprises shall have to settle them.

**Article 111.- Statute of limitations for lawsuit**

The statute of limitations for lawsuit to request settlement of disputes over contracts in railway business activities shall comply with the provisions of legislation on civil procedures and legislation on commercial arbitration.

**Chapter VIII**

**IMPLEMENTATION PROVISIONS**

**Article 112.- Regulations applicable to organizations, individuals engaged in railway activities**

1. Contracts or written agreements related to railway activities, which have existed before this Law takes effect, shall remain valid for implementation within the time limits stated in such contracts or agreements.

2. After this Law takes effect, any amendments or supplements to contracts or agreements specified in Clause 1 of this Article must be made in accordance with the provisions of this Law.

3. The Government shall specify the conditions and time for organizations and individuals engaged in railway activities to adjust their structures, organizations and to operate in accordance with the provisions of this Law.

**Article 113.- Implementation effect**

This Law takes effect as of January 1, 2006.

**Article 114.- Detailing and guiding the implementation**

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

*This Law was passed on June 14, 2005, by the National Assembly of the Socialist Republic of Vietnam, the XIth Legislature, at its 7th session.*

**THE NATIONAL  
ASSEMBLY  
CHAIRMAN**  
*(signed)*

**Nguyen Van An**

