

Abstract

The objective of this thesis is to study a potential of giving opportunities for services in railway transportation of Thailand that shall encourage more competition in railway transportation market and promote more continuing development of railway transportation field.

This thesis emphasizes on laws in connection with the development of railway transportation development business regarding the potential for giving opportunities for more competition in terms of services and law governing foreign railway and laws relevant to railway business operation of Thailand by comparing and analyzing each form of railway business and also different railway business structure of each country, as well as, guidelines that Thailand should include in Thai laws.

Since the railway business still plays less important role in current Thai transportation system, the significant principal cause derives from a policy regarding the operation of the State Railway of Thailand that limits the railway transportation operation of the country both infrastructure and rendering of service to be solely under the State Railway of Thailand's operation without imposing precise guidelines permitting other work agency or private agency to engage in the railway transportation business of Thailand in any respect. It is a severe obstruction for encouraging the competition in railway transportation market and is also one of significant problems for developing the current railway business of Thailand. Other important cause is, railway transportation of Thailand lacks of a central work unit with its duty to coordinate the government sector's policy, thus, there is no continuation in implementing activities regarding development of railway transportation as assigned.

Based on the study, the State Railway and Road Implementation Act B.E. 2464 (1921) enacted in the reign of King Vajiravudh (Rama VI) with its objective to be the law applied as the frame for railway management and administration, prescribes a private agency desiring to operate the railway business, a monopoly business of the government, to prior obtained a royal approval, the private agency, then, can operate

such business. At such time, a railway, namely, Paknam Railway Line, was constructed by a private agency. The State Railway of Thailand Act B.E. 2494 (1951), the law governing the current Railway of Thailand's authorities and duties of operation, prescribing that the Railway of Thailand may co-invest with other person for the railway's interest, that is to say; the private agency can use the railway tracks for transportation service and the Railway of Thailand will collect fees in using of same from such business operator. Based on such law, the private agency can operate such business. In addition, in operating the railway business that is the trade of public utility under the national executive council's announcement No. 58, it also prescribes that a private agency intending to operate this business will prior obtain an approval or concession from a minister. In which case, the present law gives the opportunities to the private agency to apply for approval for operating the railway business, this is another factor that may encourage the competition in the railway transportation market.

Nevertheless, nowadays, the railway transportation of Thailand still lacks of the central work agency with its duty to coordinate the government sector's policy and this results in lacking of continuation of promoting and supporting the railway transportation of the country. As a consequence, it is appropriate to establish a central work agency, namely, the department of railway, in order to execute the duties, be responsible and to coordinate as entrusted by the government sector regarding railway transportation. It is also the work agency that shall directly coordinate other relevant organization or work agency both in the country and foreign countries in respect of railway transportation. This will develop and introduce the more important role for the railway transportation.