

ภาคผนวก ค.

กฎหมายว่าด้วยรถไฟ ค.ศ. 2005 ของประเทศเวียดนาม

THE STATE PRESIDENT

**ORDER No. 09/2005/L-CTN OF JUNE 27, 2005,
ON THE PROMULGATION OF LAW**

**THE PRESIDENT OF THE SOCIALIST
REPUBLIC OF VIETNAM**

*Pursuant to Articles 103 and 106 of 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;*

*Pursuant to Article 91 of the Law on Organization
of the National Assembly;*

*Pursuant to Article 50 of the Law on
Promulgation of Legal Documents,*

HEREBY PROMULGATES:

The Railway Law,

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

**President of
the Socialist Republic of Vietnam
TRAN DUC LUONG**

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 electrification; 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 of 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 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