

RAILWAY LAW

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

This Law prescribes railway activities.

Chapter I

GENERAL PROVISIONS

Article 1. - Scope of regulation

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

Article 2. - Subjects of application

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

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

Article 3. - Definition of terms and phrases

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 4. - Basic principles in railway activities

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

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

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

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

Article 5. - Policies on railway development

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

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

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

3. The State shall ensure fair and non-discriminatory competition environment; protect the legitimate rights and interests for organisations and

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

4. The Ministry of Natural Resources and Environment shall assume the

Article 10. - Propagating, disseminating and educating in railway

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

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

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

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

Article 12. - Prohibited acts

1. Destroying railway works and railway traffic means.

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

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

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

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

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

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

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

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

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

13. Carrying cargoes, which are forbidden to transport, animal with

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

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

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

Article 14. - Railway infrastructure development planning

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

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

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

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

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

2. The Provincial people’s Committees shall assume the responsibility to formulate urban railway infrastructure development plans after submitting to people council of the same level for in

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

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

Article 16- Finance for railway infrastructure development planning

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

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

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

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

Article 17- Railway land

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

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

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

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

b) To manage planned land for railway.

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

Article 20. - Railway gauges and technical standards of railways

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

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

Article 21. - Railway stations

1. Railway station includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 27. - Railway protection scope

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

1. Protection scope for space above of roadbed measuring from the top track in vertical direction is 5.3m for gauge 1,000 mm and 6.55m for standard

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

Article 29. - Railway tunnel protection scope

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

Article 30. - Protection scope of railway station areas

The protection scope of a railway

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

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

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

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

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

c) When finishing the works or other activities, impediments created by the construction of railway works or

Article 35. - Railway traffic safety corridors

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

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

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

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

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

4. Minister of Transport shall prescribe in detailed the railway traffic

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

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

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

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

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

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

3. In cases incidents, accidents block railway traffic, railway traffic controlling organization shall assume

Article 39: Registration of railway traffic means

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

a) Lawful origins

b) Satisfaction of Technical safety and environmental protection standards.

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

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

4. Railway traffic means owners must make declaration for deletion of names and have their regi

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

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

Article 41: Necessary information and instruction on rail traffic means

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

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

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

Article 42. Braking equipment, linking hook

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

2. In all passenger cars and at trai2. In all passenger that is easy to recstrucor 1.2 trai n

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

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

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

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

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

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

Article 45. - Import of railway traffic vehicles

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

Chapter IV

**RAILWAYMEN DIRECTLY PARTICIPATING IN RAILWAY
TRANSPORT**

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

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

d) Direct station train operators

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

Article 48: Train captains

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

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

Article 51. Direct railway station train controller

1. *Direct station train controller* mean the persons controlling the establishment of train , freight loading and unloading, passenger services, shunting activities, train receiving and sending, and other related activities in

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

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

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

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

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

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

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

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

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

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

Chapter V
URBAN RAILWAY

Article 55. Urban railway types

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

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

Article 56. Urban railway development policies

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

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

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

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

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

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

Article 57. Conditions for investment project formulation

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 61. Urban railway infrastructure management and maintenance

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

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

Article 62. Urban railway operation

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

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

4. Urban railway operators should buy civil liability insurance as regulated

RAILWAY TRAFFIC SIGNALS

ENSURING RAILWAY SAFETY

RAILWAY TRAFFIC SIGNALS

Article 63- Railway traffic signals
train, colour light signals, semaphore signals of trains. Signal's display

4. Semaphore signals are those where colour light signals are not used

5. Signal boards are classified as follows

a) Signal boards providing main

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

Article 67. - Shunting trains

1. Shunting of train is movement activities of locomotives and wagons from this position to other position in the area of station, station-to-station section. The shunting of train shall

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

Article 71 - Traffic at crossroads, common bridges, tunnels

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

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

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

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

Article 72- Obey railway traffic signals

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

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

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

Section 2

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

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

Article 74 - Railway transport controlling

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

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

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

c) To give commands in solving emergent and unforeseen problems in railway transport; to mobilize vehicles, equipment and human resources of rail operators supporting railway rescue and incidents recovery activities; to participate in analysing reasons of problems and defining measures to avoid the incidentes, eq.vtion7168 -1r

e) Priority order for trains on the same route

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

Article 77. Timetabling procedures

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

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

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

Article 78. Principles for traffic controlling

Railway traffic controlling shall obey the following principles

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

2. Ensure safety, smoothness and reliability of railway traffic

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

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

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

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

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

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

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

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

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

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

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

1. People committees of all levels

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

Article 85-Railway infrastructures Business

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

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

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

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

Article 86. Fees, charges for using railway infrastructure

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

2. Rental fee of infrastructure is the payment for using one or some

Article 88- Rights and obligations

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

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

g) Properly inform the traffic threaten and temporally termination of

Article 92. - Cargo transportation contract

1. Cargo transportation contracts m

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

Article 95. - Transportation for special purposes

1. Transportation for special purposes is the transport of people, cargoes and equipment in service of the tasks of overcoming natural calamities,

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

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

2. Obligations

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

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

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

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

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

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

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

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

Article 98. - Insurance responsibility in railway passenger transport business

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

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

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

Article 99- Obligations and rights of passengers, consignees

1. Rights

a) To be carried in accordance with their tickets.

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

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

f) To request cargo inspection when necessary.

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

h) To handle with cargoes refused by cargo receivers, cargoes without

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

2. Obligations

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

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

Article 104. - Transportation of corpses remains

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

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

3. Corpses and remains must be removed within no more than two hours as from the time the trains arrive at the destination stations; in cases where this provision is breached, the railway transport enterprises shall take timely handling measures and have the right

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

2. 90days after the date when railway transport enterprises inform cargo owners but receive no reply or no payment for arising costs, railway transport enterprises assume the right to auction luggage, cargoes in accordance with law on auction in order to compensate

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

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

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

Article 109. - Settlement of disputes

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

a) Through negotiations, conciliation;

b) Being brought to Arbitration or initiating lawsuits at courts

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

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

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

Article 111. - Time limits for complaints

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

**Chapter VIII
IMPLEMENTATION PROVISIONS**

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

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

2. After this Law takes effect, amendments, additions of contracts or agreement