

**THE NATIONAL  
ASSEMBLY**

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Law No. 06/2017/QH14

**THE SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness**

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*Hanoi, June 16, 2017*

**LAW**

**ON RAILWAY TRANSPORT**

*Pursuant to the Constitution of Socialist Republic of Vietnam;*

*The National Assembly promulgates the Law on Railway Transport.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope**

This Law provides for planning for, investment in, construction, protection, management, maintenance and development of railway infrastructures; railway industry, railway vehicles; railway signals, railway rules and railway safety; railway business; rights and obligations of organizations and individuals involved in railway activities; state management of railway activities.

**Article 2. Regulated entities**

This Law applies to domestic and foreign organizations and individuals related to railway activities within the territory of Socialist Republic of Vietnam.

**Article 3. Definitions**

For the purposes of this Law, the terms below are construed as follows:

1. “*road-rail bridge*” is a bridge with deck shared by both railway vehicles and road vehicles.
2. “*train operation*” is an activity of controlling the movement of railway vehicles.
3. “*evident permission*” is an evidence permitting railway vehicles to move into a block, and is expressed by color light signals, semaphore signals, line cards, licenses, line notes.
4. “*maximum load order*” is the regulation on the permissible maximum load per axle and the permissible maximum even-spread load according to the length of railway vehicles, and is applied to each bridge, segment, block, section or railway line.

5. “*maximum speed order*” is the regulation on the speed limits applied to railway vehicles running on each bridge, segment, block, section or railway line.
6. “*railway work*” is a work that is built to serve rail transport, including roads, bridges, culverts, tunnels, embankments, retaining walls, stations, depots, sewerage systems, signaling systems, fixed-block signaling systems, power supply systems and other railway works and auxiliary equipment.
7. “*railway industry work*” is a work that is built to serve the manufacturing, assembly, repair and modification of railway vehicles; manufacturing of dedicated components, accessories, supplies and equipment of the railway.
8. “*depot*” is a place where trains are housed for maintenance, repair and other professional procedures are followed.
9. “*level crossing*” is the intersection between the railroad and a road at the same level and the construction and use of which are permitted by a competent authority.
10. “*high-speed rail*” is a type of electrified double-track national railway which has a speed of at least 200 km/h and a gauge of 1,435 mm.
11. “*railway station*” is a place where railway vehicles stop, shunt, overtake, pick up or disembark passengers, cargoes are handled, other professional procedures are followed and other services are provided.
12. “*overweight cargo*” is non-divisible cargo whose weight exceeds the maximum permissible payload of the coach or coaches or the cargo weight and coach weight, once loaded, exceed the maximum permissible limit specified in the published maximum load order.
13. “*oversized cargo*” is non-divisible cargo whose size, once loaded, exceeds the dimensional limits of the locomotive and the coach of corresponding gauges.
14. “*railway activities*” include railway planning, railway operation, railway safety assurance and other relevant activities.
15. “*railway infrastructure*” is railway works, safety perimeter of the railway work and railway safety corridor.
16. “*platform*” is a railway work in the station in service of passengers getting on or off the train and cargo handling.
17. “*track gauge*” is the shortest distance between the two inner faces of the rails.
18. “*block*” is a railway section connecting two adjacent stations, measured from the station-entry signaling position of one station to the nearest station-entry signaling position of the opposite station.

19. “*section*” is a collection of some blocks and successive railway stations, which is identified according to train operation.
20. “*railway infrastructure business*” is the performance of one, several or all activities of investing, using, selling, leasing or transferring the right to use railway infrastructure to serve rail transport and other commercial services for profit.
21. “*rail transport business*” is the transport of passengers, luggage and cargoes by train for profit.
22. “*urban railway business*” is provision of transport of passengers in urban areas for profit.
23. “*illegal crossing*” is an intersection with road or railway and is built and used without the permission by competent authorities.0}
24. “*at-grade intersection*” is a place where two or more roads cross at the same level
25. “*grade-separated junction*” is a place where two or more surface transport axes at different heights.
26. “*railway vehicle*” includes locomotives, coaches and dedicated vehicles on rail tracks.
27. “*railway line*” is one or multiple successive sections, beginning from the first railway station to the terminus.
28. “*train*” is a railway vehicle formed by locomotives and coaches or single locomotive, motive power coaches, and motive power dedicated vehicles moving on rail tracks.

#### **Article 4. Basic rules for railway activities**

1. Ensure continuous, orderly, safe, accurate and efficient rail transport; facilitate people’s travel, contribute to socio-economic development, ensure national defense and security, and protect the environment.
2. Develop rail transport according to the planning and plan in combination with other modes of transport and international integration to ensure civilization, modernity and uniformity.
3. Arrange rail transport in a uniform and concentrated manner.
4. Separate the state management by regulatory authorities from business management by enterprises; the railway infrastructure business from state-invested rail transport business.
5. Ensure healthy and fair competition among organizations and individuals of all economic sectors doing railway business.

#### **Article 5. State policies on railway development**

1. Give priority to investment in sources for development, upgrade, maintenance and protection of national and urban railway infrastructure to ensure that rail transport plays a key role in national transport system.
2. Encourage, assist, enable and protect rights and legitimate interests of domestic and foreign organizations and individuals involved in investment in railways and railway business.
3. Provide land according to the planning to develop railway infrastructure and railway industry works.
4. Encourage and assist in development of railway industry, research, apply advanced science and technology, high technology, train human resources for development of modern railways.
5. Encourage and enable organizations and individuals to develop the dedicated railway system.
6. Give priority to allocation of central government budget to annual and medium-term public investment plan at a reasonable rate to ensure railway infrastructure is developed according to the planning.

The Government shall submit an annual report on the implementation of policy for development of rail transport and use of state budget for investment in rail transport to the National Assembly.

#### **Article 6. Incentives and support for investment in railway activities**

1. Railway infrastructure business, rail transport business, urban railway business and railway industry are business lines eligible for investment incentives.
2. An organization or individual involved in railway activities shall be eligible for incentives and support as follows:
  - a) They are allocated land without paying land levy on the land area used for construction of urban and railway infrastructure; the land for construction of dedicated railway infrastructure and railway industrial work shall be exempted from land rent.
  - b) According to the actual sources, the State shall lend them a fund charged at the interest rate of preferential investment from the State investment or they shall be provided with government-guaranteed loans according to regulations of the law on management of public debt for development of national and urban railway infrastructure; investment in and procurement of railway vehicles, machines and equipment for railway maintenance; development of railway industry;
  - c) The railway infrastructure enterprise, urban railway enterprise and railway industry enterprise shall be eligible for incentives for enterprise income tax rate according to regulations of the Law on Enterprise Income Tax;

d) They shall enjoy exemption from import duties on machines, equipment, components, railway vehicles, raw materials for manufacture of machines and equipment or spare parts of machines and equipment necessary for construction of railway infrastructures that are yet to be domestically produced;

3. An organization or individual invested in construction of national and urban railway infrastructure shall be provided with funding by the State for clearing the land for rail transport that is used for construction of railway infrastructures.

4. An organization or individual doing railway infrastructure business shall be provided with a separate frequency bands in service of the control of rail transport and traction power network in service of train operation.

### **Article 7. Planning for development of rail transport**

1. The planning for development of rail transport provides a basis for investment, development and use of rail network.

2. The planning for development of rail transport includes contents related to railway infrastructure and national railway industry establishments.

3. The planning for development of rail transport must:

a) ensure inter-regional connectivity, serve socio-economic development, national defense and security, environmental safety and international integration;

b) combine the development of railway infrastructure and development of vehicles, transport services and railway industry towards modernity and safety;

c) ensure the connection between railway vehicles and other modes of transport to create a transport system that is uniform, sustainable, safe and effective, and minimize harmful impacts the environment;

d) research into contents related to development of railway infrastructure upon formulation of planning for development of rail transport in special-grade, grade-I urban areas, major international airports, special-grade and grade-I seaports.

4. Formulation and approval of the planning for development of rail transport:

a) The Minister of Transport shall organize the formulation of the planning for development of national and urban railways that pass through 02 provinces and central-affiliated cities (hereinafter referred to as “provinces”) or more and submit it to the Prime Minister for approval; shall formulate and approve the detailed planning for national railway lines and stations in grade-III urban or above areas, major railway stations and international railway stations.

b) The Presidents of the People's Committees of provinces shall organize the formulation of the urban and provincial planning including the contents related to development of urban and dedicated railways and submit them to the Prime Minister for approval.

### **Article 8. International cooperation in railway transport**

1. International cooperation in railways must ensure independence, sovereignty, territorial integrity and national interests; satisfy the need for international cooperation; comply with the international treaties to which the Socialist Republic of Vietnam is a member state.
2. Give priority to regional and international cooperation in rail transport business; railway infrastructure investment and business; development of railway industry; scientific research, technology transfer; provision of training for human resources.
3. Ministries and ministerial agencies shall take charge and cooperate with the Ministry of Transport in facilitating customs clearance at international railway stations.

### **Article 9. Prohibited acts in railway activities**

1. Damage railway works and railway vehicles.
2. Illegally occupy the railway safety corridor and the safety perimeter of the railway work
3. Build an illegal crossing; illegally build flyovers, underpasses, culverts or other works built within the land area for rail transport; illegally drill or bore within the safety perimeter of the railway work.
4. Falsify works and railway signaling; hide or falsify railway signals.
5. Obstruct the train operation; arbitrarily use signals or equipment to stop the train, unless a threat to railway safety is found.
6. Trespass the fence, the barrier of the level crossing when the block signal is given; trespass the fences that separate the railway from the surrounding.
7. Discharge untreated sewage onto the railway; place obstacles and dump hazardous substances or waste on the railway; illegally place flammable or explosive substances within the safety perimeter of the railway work and the railway safety corridor.
8. Herd animals and trade goods on railways and within the safety perimeter of the railway work and the railway safety corridor.
9. Walk, stand, lie, sit or perform other acts on the roof of the coach, locomotive, steps; hang, stand, sit on the sides of the coach, locomotive, or connector; open the train doors, poke the head, arm, leg, or other stuff out the coach when the train is running, except for the railway workers and law enforcement officers on duty.

10. Walk, stand, lie, sit or perform other acts on the railway line, except for the railway workers and law enforcement officers on duty.

11. Throw earth, stones, or other objects at or from the train.

12. Bring or transport prohibited goods or animal that carries contagious diseases to the station or to the train; illegally bring or transport wild animals, radioactive/flammable/explosive substances and dangerous goods to the station or the train; bring or transport a corpse or bones to the station or to the train running on urban railways.

13. Make or use fake tickets; sell tickets against the law.

14. Allow a railway vehicle or equipment that fails to meet technical safety requirements to operate on the railway; use the cargo coaches to transport passengers; change the structure, design or functions of the vehicles without permission; assign or allow another person who is ineligible to operate a railway vehicle.

15. Assemble coaches that contain animals, stinky goods, flammable/explosive substances, hazardous substances, or other dangerous goods into a passenger train.

16. Operate trains faster than the speed limits.

17. Railway workers directly serving train operation is under influence of alcohol or other banned stimulants in the performance of their duties.

## **Chapter II**

### **RAILWAY INFRASTRUCTURES**

#### **Section 1. GENERAL PROVISIONS**

##### **Article 10. Vietnamese railway system**

1. Vietnamese railway system includes national railway, urban railway and dedicated railway, to be specific:

a) National railway satisfies the transport demands of the country, each economic region and international transportation;

b) Urban railway satisfies the transport demands of passengers in urban areas and surrounding areas;

c) Dedicated railway satisfies the transport demands of each organization or individual.

2. The power to introduce and adjustment of the railway system:

a) National railway or dedicated railway that is connected to the national railway shall be introduced and adjusted by the Minister of Transport; the urban railway that is connected to or shares the national railway shall be introduced and adjusted by the Minister of Transport after the agreement with the President of People's Committee of the province which the urban railway passes through is reached.

b) Urban railway or dedicated railway that is not connected to the national railway shall be introduced or adjusted by the President of People's Committee of province; in the cases where the urban railway or dedicated railway that is not connected to the national railway passes through 02 provinces or more, the Minister of Transport shall introduce and adjustment after receiving comments from the Presidents of People's Committees of these provinces.

3. The power to name railway lines and stations; to decide inauguration of railway lines and stations; to cease operation and remove lines:

a) The Government shall specify the naming of railway lines and stations and removal of railway lines and stations;

b) The Minister of Transport shall decide inauguration of national railway lines and stations or cease their operation;

c) The President of the People's Committee shall decide inauguration of urban railway lines and stations or cease their operation;

d) The investor shall decide inauguration of dedicated railway lines and stations in which he/she invested.

## **Article 11. Railway infrastructure assets**

1. Railway infrastructure asset includes:

a) The railway infrastructure asset directly serving train operation includes railway works, work items or other auxiliary works directly serving train operation, passenger and cargo loading and unloading;

b) The railway infrastructure asset not directly serving train operation is the railway infrastructure asset that is not specified in Point a of this Clause.

2. Responsibility for management of state-invested railway infrastructure assets:

a) The Government shall act as a representative of the owner, perform uniform management of railway infrastructure assets in accordance with regulations of the law on management and use of public property;

b) The Ministry of Transport shall perform tasks and exercise powers of the owner's representative in respect of national railway infrastructure assets;



c) The People's Committee of province shall perform tasks and exercise powers of the representative of the owner in respect of urban railway infrastructure assets;

d) Railway infrastructure enterprise shall use, operate and protect railway infrastructure asset that is allocated, leased out or transferred by the State in accordance with regulations of law.

3. Organizations and individuals shall manage, use and operation of railway infrastructure assets in which they invested in accordance with regulations of law.

4. The Government shall specify a list of railway infrastructure asset prescribed in Clause 1 of this Law; shall manage and use the State-invested railway infrastructure asset.

## **Article 12. Land for rail transport**

1. Land for rail transport includes:

a) Land for construction of railway works;

b) Land within the safety perimeter of the railway work;

c) Land within the railway safety corridor.

2. Use of land for rail transport shall be specified as follows:

a) Land for rail transport shall be used for construction of railway works and ensure rail transport safety according to the land use plan and planning approved by a competent authority;

b) In the cases where part of the land area for rail transport must be used to construct essential works in service of national defense and security or socio-economic development, such works must not affect the railway work and rail transport safety and must be licensed in accordance with regulations of the Minister of Transport;

c) An organization or individual that is allocated, leased out or transferred railway infrastructure shall use the land for rail transport according to the planning approved by a competent authority and regulations of law.

3. Management of land for rail transport shall be specified as follows:

a) Regulatory authorities shall manage land for rail transport in accordance with regulations of the Law on Land;

b) The regulatory authority charged with management of railway infrastructure assets shall be assigned to manage the land for construction of railway works and the land within the safety perimeter of the railway work; manage the use of land for rail transport according to the planning approved by a competent authority;

c) The People's Committees at all levels shall manage the land dedicated to rail transport and the land within the railway safety corridor;

d) Land for rail transport that is located within the land for airports, civilian airports and seaports shall be managed in accordance with regulations of the Law on Land;

4. The Government shall elaborate this Article.

### **Article 13. Grading for railway lines**

1. National railways, urban railways and dedicated railway shall be classified into several grades. Each grade shall come with corresponding standards.

2. The establishment, approval and announcement of standards in grading for railway lines shall be compliant with regulations of the Law on Technical Regulations and Standards.

### **Article 14. Gauge**

1. National railway or dedicated railway that is connected to the national railway has a standard gauge of 1,435 mm or a narrow gauge of 1,000 mm.

2. New national railway and urban railway has a standard gauge of 1,435 mm. Other gauges shall be specified by the Prime Minister.

3. The gauge of dedicated railway that is not connected to the national railway and passes through residential areas shall be decided by the investor after receiving comments from the Ministry of Transport.

### **Article 15. Connection of rails of railway lines**

1. Rails of domestic railway lines must be connected at railway stations.

2. Only national railway is connected to the foreign railway. The Prime Minister shall decide on the rail connection between national railway and foreign railway.

3. The Minister of Transport shall specify conditions and procedures for the connection of urban railway and dedicated railway with the national railway; and the rail connection between urban railway lines.

4. Organizations and individuals shall specify the connection between the dedicated railway and dedicated railway in which they invested.

### **Article 16. Railway stations**

1. Railway station is classified as follows:

- a) Passenger station used for passenger loading and unloading, and provision of services related to passenger transport, professional procedures and other commercial purposes;
- b) Cargo station used for transfer, receipt, handling and storage of cargoes, and provision of other services related to cargo transport and professional procedures;
- c) Technical station used for completion of professional procedures in service of train operation;
- d) Mixed station having functions of 02 or 03 types of stations set forth in Points a, b and c of this Clause.

2. A railway station must meet the following requirements:

- a) Depending on the grading for railway stations, a railway station includes a train station, square, warehouse, yard, platform, fence, service area, necessary equipment and other works related to railway activities;
- b) Railway stations must be named, and provide information and instructions for passengers. The name must not be identical and must be appropriate for locations, local history, culture and fine traditions and customs. The stations along the national railway in grade-III or above urban areas, key stations and international stations must be provided with workplace provided for regulatory authorities involved in railway activities according to the planning approved by a competent authority.
- c) A railway stations must have emergency exit system; fire safety and fighting system; power supply system, lighting system, ventilation system; water supply and drainage system; sanitation system, and other technical requirements of the train station;
- d) A passenger station must have works and equipment for providing accessibility equipment for the disabled and prioritized subjects according to regulations of law; emergency telephone system and first aid supplies;
- dd) International stations and central station must have a design that shows the history and traditional cultural identity of each region. High-speed rail stations must include safety equipment;
- e) Commercial works and offices are allowed to be built at stations along national and urban railways.

3. The vertical area of the station is determined according to the strip of land from station-entry signaling position of one station to the station-entry signaling position of the opposite; the horizontal area of the station is determined according to the land area inside the fence or mark according to the plan approved by a competent authority.

4. The Minister of Transport shall specify the grading for railway lines.

## **Article 17. Railway crossings and rail junctions**

1. A junction between two or more railway lines must be grade-separated (“flying junctions”), except for the junctions between dedicated railways.
2. A rail crossing has to be grade-separated in the following cases:
  - a) Railways with the designed speed of 100 km/hour or higher intersect roads;
  - b) Railways intersect roads of grade III or above; railways intersect urban roads;
  - c) Urban railways intersect roads, except for tramway.
3. The investor in a new railway line shall build grade-separated flying junctions and grade separated junctions according to Clause 1 and Clause 2 of this Article. The investor in a new road shall build grade-separated junctions according to Clause 2 of this Article.
4. In the cases other than those specified in Clause 2 of this Article or where a grade-separated crossing is yet to be feasible, the People's Committees at all levels, railway infrastructure enterprises, project investors or organizations and individuals wishing to cross railways must observe the following regulations:
  - a) The place where the level crossing will be built must be licensed by a competent authority.
  - b) At the place where the level crossing is not allowed, a road connected to the nearest level crossing or grade-separated junction must be built outside the railway safety corridor.
5. The Minister of Transport shall elaborate on:
  - a) Level crossing, traffic at level crossing; issuance and renewal of construction permit, improvement, upgrade or removal of level crossing;
  - b) Road-rail bridge, traffic at road-rail bridge;
  - c) Connection of traffic lights at level crossings, provision of safety information at road-rail intersections.
6. The Government shall specify the methods and road map for dealing with railroad crossings and rail junctions that are not conformable with the regulations of this document, illegal crossings.

## **Article 18. Road-rail bridge**

1. In case of a road-rail bridge, road/railway must lie outside the traffic safety corridor of the other road/railway; in case of difficult terrain, a protection work must be built on the road's edge

close to the railway, except for the cases where the top of the rail is three or more meters higher than the road surface.

2. In case of a road-rail bridge, 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 span equals the vertical clearance of the work below.

#### **Article 19. Fixed-block signaling system**

1. The fixed-block signaling system includes:

a) Signal posts, signal lights;

b) Signs, landmarks;

c) Signs;

d) Fences;

dd) Marks;

e) Other signals.

2. The fixed-block signaling system must be constructed and installed in conformity with grades and types of railways; ensure smooth operation.

### **Section 2. INVESTMENT IN CONSTRUCTION, MANAGEMENT AND MAINTENANCE OF RAILWAY INFRASTRUCTURE**

#### **Article 20. Investment in construction of railway infrastructure**

1. Investment in construction of railway infrastructure is the investment in construction of new railway infrastructure; technological innovation; upgrade and improvement of railway infrastructure in accordance with regulations of law.

2. The contribution of state capital to an investment project for the development of national and urban railway infrastructure in the form of public-private partnerships during the construction period or throughout project life cycle shall be decided by the Prime Minister.

3. The Minister of Transport and People's Committees of provinces shall plan and launch the railway work project under their management according to regulations of law.

#### **Article 21. Management and maintenance of railway infrastructure**

1. The railway infrastructure to be put into operation must undergo inspections according to regulations of law.

## 2. Responsibility for management and maintenance of railway infrastructure:

- a) The Minister of Transport shall specify the management and maintenance of national railway infrastructure; organize the management and maintenance of state-invested national railway infrastructure;
- b) The People's Committees of provinces shall specify the management and maintenance of urban railway infrastructure; organize the management and maintenance of state-invested urban railway infrastructure;
- c) Railway infrastructure enterprises shall carry out maintenance of state-invested railway infrastructure assigned by or leased out or transferred by the State;
- d) Organizations and individuals shall manage and carry out maintenance of railway infrastructure in which they invested in accordance with regulations of law.

### **Article 22. Financial sources for management and maintenance railway infrastructure**

1. Financial sources for management and maintenance of state-invested railway infrastructure shall be provided by the state budget; revenues from the use of railway infrastructure and other revenues that are used in accordance with regulations of law.
2. The Ministry of Transport shall manage and use the financial sources provided for management and maintenance of state-invested national railway infrastructure.
3. The People's Committees of provinces shall manage and use the financial sources provided for management and maintenance of state-invested urban railway infrastructure.
4. Organizations and individuals shall manage and use their own financial sources for management and maintenance of urban railway infrastructure in which they invested.

### **Section 3. PROTECTION OF RAILWAY INFRASTRUCTURE**

#### **Article 23. Protection of railway infrastructure**

1. The protection of railway infrastructure includes the following activities: assurance of railway infrastructure safety; prevention of and response to railway accidents and damage to railway infrastructure caused by natural disasters; prevention and actions against infringements upon and damage of railway works, safety perimeter of the railway work and railway safety corridor.
2. The safety perimeter of the railway work is the perimeter determined by the space, surrounding land and water areas adjacent to the railway work and is meant for management and protection of the railway work and assurance of railway work safety, including:
  - a) Safety perimeter of the railway;

- b) Safety perimeter of the railway bridge;
- c) Safety perimeter of the railway tunnel;
- d) Safety perimeter of the railway station and depot;
- dd) Safety perimeter of the railway signaling system and power supply system;
- e) Safety perimeter of other railway works.

3. The railway safety corridor is the corridor determined by the space, surrounding land and water areas adjacent to safety perimeter of the railway and used for ensuring rail transport safety; serving the rescue and ensuring that road users' vision is not blocked.

4. Construction, resource attraction, and other activities shall be carried out in the vicinity of railway works as follows:

a) Construction, resource attraction, and other activities carried out in the vicinity of railway works shall not affect railway work safety and rail transport safety;

b) In the cases where the construction, resource attraction, and other activities carried out in the vicinity of railway works may affect railway work safety or rail transport safety, the project owners, organizations and individuals carrying out the extraction of natural resources and other activities shall take measures to ensure the railway work safety and railway safety.

c) The project owners, organizations and individuals carrying out the construction, resource attraction and other activities shall provide compensation for the damage caused to railway works and rail transport safety in accordance with regulations of law.

5. The Government shall elaborate this Article.

#### **Article 24. Responsibility for protection of railway infrastructure**

1. The Ministry of Transport shall have the following responsibilities for protection of the state-invested national railway:

a) Provide guidance on the protection of railway infrastructure;

b) Take charge and cooperate with the Ministry of Public Security, the Ministry of National Defense and the People's Committees of provinces which railways pass through in protecting railway works of special importance.;

c) Inspect the implementation of regulations of the law on management and protection of railway infrastructure.

2. The People's Committees at all levels which railways pass through shall:

a) take charge and cooperate with railway infrastructure enterprises in preventing and taking actions against infringements upon railway infrastructure and rail transport safety within the area;

b) inspect the implementation of regulations of the law on management and protection of railway infrastructure.

3. The railway infrastructure enterprise shall:

a) protect railway works to ensure continuous and safe rail transport;

b) in case of infringements upon land for rail transport, promptly prevent and report such to a competent authority.

4. All organizations and individuals using railway infrastructure for transport shall comply with regulations on assurance of railway infrastructure safety.

5. All organizations and individuals shall protect railway infrastructure and participate in emergency responses to the damage to railway works. When the damage to a railway work or infringements upon railway infrastructure is found, promptly inform the nearest People's Committee, railway infrastructure enterprise or police station. Upon receipt of notification, the recipient must take actions to ensure rail transport safety.

#### **Article 25. Prevention of and response to railway accidents and damage to railway infrastructure caused by natural disasters**

1. The railway infrastructure enterprise shall:

a) make and implement the plan for prevention of and response to railway accidents and damage to railway infrastructure caused by natural disasters to ensure the safety of railway infrastructure that is assigned by or leased out or transferred by the State;

b) take other responsibilities in accordance with the Law on Natural Disaster Preparedness.

2. Organization and individuals shall prevent and respond to railway accidents and damage to railway infrastructure in which they invested caused by natural disasters in accordance with regulations of law.

3. The Ministry of Transport shall instruct relevant organizations and individuals to prevent and respond to railway accidents and damage to the state-invested national railway infrastructure caused by natural disasters in accordance with regulations of law.

4. The People's Committees of provinces shall instruct relevant organizations and individuals to prevent and respond to railway accidents and damage to the state-invested urban railway infrastructure caused by natural disasters in accordance with regulations of law.



5. Ministries, ministerial agencies, governmental agencies, and People's Committees at all levels shall prevent and respond to railway accidents and damage to railway activities caused by natural disasters in accordance with regulations of law.

### **Chapter III**

## **DEVELOPMENT OF RAILWAY INDUSTRY AND RAILWAY VEHICLES**

### **Section 1. DEVELOPMENT OF RAILWAY INDUSTRY**

#### **Article 26. Railway industry**

1. Railway industry includes:

- a) Manufacturing, assembly, repair and modification of railway vehicles;
- b) Manufacturing of dedicated components, accessories, supplies and equipment of the railway.

2. The Government shall specify a list of dedicated components, accessories, supplies and equipment of the railway set forth in Point b, Clause 1 of this Article.

#### **Article 27. Requirements for development of railway industry**

1. The planning for development of rail transport and strategy for development of Vietnam industry in every period must be conformed to.

2. The railway industry development must synchronize with railway infrastructure development, rail transport services, and ensure safety and environmental hygiene in accordance with regulations of law.

3. Investment in production line and transfer of technology to railway industry must ensure uniformity and modernity.

#### **Article 28. Investment in railway industry**

1. The State shall encourage domestic and foreign organizations and individuals to invest in and develop railway industry.

2. The State shall invest in construction and maintenance of railways that connect national and urban railways with railway industry establishments according to the planning.

3. Railway industry enterprises shall invest, upgrade and carry out maintenance of railway infrastructure and railway industry works themselves within the railway industry establishment.

#### **Article 29. Research development, provision of training, railway technology transfer**

1. The application and transfer of railway technology must ensure modernity and capacity for owning and developing technology.
2. The provision of training in railway industry must be conformable to the planning for development of rail transport and synchronize with the transferred technology.
3. The research development, railway technology transfer and provision of training must be conformable with regulations of the Law on Education and Vocational Education, the Law on Science and Technology, and the Law on Technology Transfer.

## **Section 2. RAILWAY VEHICLES**

### **Article 30. Roadworthiness of railway vehicles**

1. Roadworthiness of railway vehicles:
  - a) Comply with national technical regulation on technical safety and environmental safety;
  - b) Have a railway vehicle registration certificate issued by a competent authority;
  - c) Have a certificate of technical safety and environmental safety or an unexpired certificate of periodic inspection of technical safety and environmental safety issued by a competent authority.
2. If operating for special purposes, the railway vehicle shall be compliant with the regulations made by the Minister of Transport.

### **Article 31. Registration for issuance, reissuance, revocation, cancellation of railway vehicle registration certificate**

1. A railway vehicle shall be issued with a railway vehicle registration certificate if the following requirements are met:
  - a) Have lawful origins;
  - b) Satisfy the national technical regulation on technical safety and environmental safety.
2. Upon change of functions or main specifications, the vehicle owner shall reapply for the railway vehicle registration certificate.
3. Upon the transfer of ownership, the new owner of the railway vehicle must reapply for the railway vehicle registration certificate under the new owner's name.
4. The railway vehicle owner shall make a declaration and return the railway vehicle registration certificate to cancel registration in the following cases:
  - a) His/her railway vehicle is no longer used for rail transport;

b) His/her railway vehicle is lost or damaged.

5. The Minister of Transport shall specify the issuance, reissuance, revocation and cancellation of railway vehicle registration certificate.

### **Article 32. Registration for inspection of railway vehicles**

1. The railway vehicle that is manufactured, assembled or modified, repaired must be inspected, supervised and issued with a certificate of technical safety and environmental safety by a Vietnamese registry or foreign registry that is authorized to carry out inspections by the Minister of Transport.

2. During operation, the railway vehicle must be still within its service life according to Government's regulations, periodically inspected and issued with a certificate of technical safety and environmental safety by a Vietnamese registry.

3. The railway vehicle owner is responsible for repair, maintenance and satisfaction of national technical regulation on technical safety and environmental safety between the two inspections carried out by the registry.

4. The Minister of Transport shall specify:

a) National technical regulation on technical safety and environmental safety;

b) Requirements for facilities and technical infrastructure of the registry;

c) Inspector's requirements;

d) Inspection, issuance, reissuance and revocation of the certificate of technical safety and environmental safety.

### **Article 33. Information, instructions and equipment provided for passengers, safety equipment on railway vehicles**

1. A railway vehicle must satisfy the following requirements:

a) Necessary information and instructions must be provided to serve passengers and management; symbols, information and instructions must be clear and understandable; bulletin board must be put up in noticeable places.

b) The railway vehicle must have necessary equipment and amenities to serve passengers, safety equipment, escape equipment; fire-fighting equipment and materials; first-aid kits and equipment for the disabled.

2. The Minister of Transport shall elaborate this Article.

## **Article 34. Conditions for import of railway vehicles**

1. The railway vehicle that is imported to run on railways must satisfy Vietnam's national technical standards and regulations and must be issued with a certificate of technical safety and environmental safety by a registry.
2. The import of railway vehicles must be compliant with regulations of the law on import and export.

## **Chapter IV**

### **RAILWAY WORKERS DIRECTLY SERVING TRAIN OPERATION**

#### **Article 35. Railway workers directly serving train operation**

1. Railway workers that directly serve train operation include:
  - a) Train captain;
  - b) Driver, co-driver;
  - c) Train dispatcher;
  - d) Traffic controller;
  - dd) Shunting commander;
  - e) Pointsman;
  - g) Workers responsible for the coupling;
  - h) Road, bridge and tunnel patrolling staff;
  - i) Level crossing and road-rail bridge flagman;
  - k) Other employees according to each type of railway.
2. A railway worker that directly serves train operation must satisfy the following conditions while working:
  - a) He/She must have appropriate qualification;
  - b) He/She must be physically fit for work and periodic health check-up certificates according to regulations made by the Minister of Health;
  - c) Apart from the conditions set forth in this Clause, the driver must have a train driving license.

3. A railway worker that directly serves train operation has the following responsibilities while working:

- a) Perform his/her tasks according to his/her respective title, or rank, and national technical regulations on railway transport;
- b) Strictly obey the train operation commands; observe regulations and instructions from superiors;
- c) Wear uniform, badge and name tag as prescribed.

4. The Minister of Transport shall specify:

- a) Requirements, responsibilities and powers of employees directly serving train operation;
- b) Training programs of rail transport training institutions;
- c) Employees directly serving train operation set forth in Point k, Clause 1 of this Article.

### **Article 36. Train driving license**

1. The train driving license shall be issued to the person directly driving railway vehicles as prescribed in this Law.

2. The holder of train driving license shall only drive the railway vehicle specified in the license.

3. The holder of train driving license must satisfy the following conditions:

- a) Man is from 23 to 55 years of age, woman is from 23 to 50 years of age; he/she must be physically fit for work;
- b) He/She must have a railway vehicle driving degree or a certificate issued by a training institution;
- c) He/She has worked as a co-driver according to regulations made by the Minister of Transport;
- d) He/She has passed relevant railway vehicle operation test.

4. The Minister of Transport shall specify conditions, contents and procedures for driving tests and issuance, reissuance and revocation of train driving license.

## **Chapter V**

### **RAILWAY SIGNALS, RAILWAY RULES, AND RAILWAY SAFETY**

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

### **Article 37. Railway signals**

1. The railway signaling system includes orders of the person involved in train operation, onboard signals and ground signals, signs, detonators and torches. Signals indicate orders and conditions for train operation, shunting and stopping.
2. The railway signaling system must be adequate, accurate and clear, ensure safety and improve train performance.
3. Railway workers and road users must observe railway signals.
4. The Minister of Transport shall elaborate on railway signals.

### **Article 38. Railway rules**

1. Railway rules includes regulations on train operation dispatching command, train assembly, train operation, train dodging, train overtaking, train stopping and train reversing.
2. Regulations on train operation dispatching command:
  - a) The operation of train in each section shall be only commanded by a train dispatcher. Train operation order must be carried out under the command of the train dispatcher. Train dispatcher, traffic controller, train captain and driver must strictly obey the commands of the train dispatcher;
  - b) Within the railway station area, train dispatcher or traffic controller is the person who issues the train operation commands. Train captain and driver must obey the orders of the person issuing train operation commands or obey the signals;
  - c) On a train, the train captain is the commander in chief ensuring train operation safety;
  - d) On the train without train captain, single locomotive and train running on urban railway, driver is the commander in chief ensuring train operation safety.
3. Regulations on train assembly:
  - a) The train assembly must satisfy standards and regulations on railway;
  - b) The coach must satisfy technical standards and regulations on safety so that it can be coupled.
4. Regulations on train shunting:
  - a) Train shunting is the movement of locomotives and coaches from one location to another within the railway station and block area. Train shunting must be carried out according to the plan of the traffic controller;

b) During train shunting, the driver must obey the command of the shunting commander.

5. Regulations on train operation:

a) During train operation, the driver must obey the following regulations:

Run train from and through the station, stop train or dodge another train at the station under the orders from the traffic controller. The train may only enter the block with an evident permission.

The train may only enter and pass through the station via color light signals, semaphore signals and signals from the urban traffic controller.

Operate train at the speed prescribed in Article 42 of this Law.

During train operation, driver and co-driver on duty must not leave the working position;

b) The passenger train shall only run when all doors of passenger coach have been closed. Doors of passenger coach shall only be opened when the train completely stops at the railway station.

6. Regulations on train dodging and overtaking:

a) Train dodging and overtaking must be carried out at a railway station;

b) The driver shall carry out train dodging and overtaking on national and dedicated railways under the orders from the traffic control; and on urban railways under the orders from the urban train dispatcher.

7. Regulations on train stopping and reversing:

The driver must stop the train when the stop signal is given; in case a threat to train operation is found or emergency stop signal is given, the driver is allowed to immediately stop or reverse the train. In case train is immediately stopped or reversed, the train captain or driver shall inform the train station as prescribed.

8. The Minister of Transport shall elaborate this Article.

### **Article 39. Traffic at level crossings, road-rail bridges, and tunnels**

1. At level crossings and road-rail bridges, railway vehicles have priority.

2. The driver must blow the train whistle before entering level crossings, road-rail bridges and tunnels; switch on the headlights when running through tunnels.

3. Road users traveling through level crossings and road-rail bridges must comply with regulations of the Law on Road Traffic and this Law.

4. At the level crossing and road-rail bridge with a flagman, when lights do not work or give wrong signals against regulations or road barriers are out of order, the level crossing flagman or road-rail bridge flagman must direct traffic.

## **Section 2. RAILWAY SAFETY ASSURANCE**

### **Article 40. Railway safety assurance**

1. Assurance of railway safety includes the following activities:

- a) Assurance of safety of people, organizations and individuals' vehicles and assets upon rail transport;
- b) Assurance of uniform and concentrated rail transport;
- c) Prevention and actions against infringements upon railway works and illegal occupation of railway safety corridor;
- d) Measures for prevention of accidents on railways and at at-grade intersections between railways and roads.

2. Organizations and individuals must comply regulations of the law on assurance of railway safety.

3. Rail transport offences must be promptly detected and handled in accordance with law.

4. Organizations and individuals involved in rail transport are responsible for railway safety. Police forces and local governments at all levels which railways pass through shall ensure railway safety. Other organizations shall cooperate in the assurance of railway safety.

### **Article 41. Control of rail transport**

1. Control of rail transport must be compliant with the following rules:

- a) Be concentrated and uniform; comply with the published timetable;
- b) Ensure safe and continuous rail transport in line with the timetable;
- c) Ensure equality between rail transport enterprises.

2. Control of rail transport includes the following contents:

- a) Establish, distribute and publish the timetable;
- b) Ensure uniform, concentrated, safe and continuous train operation in accordance with the published timetable, regulations on railway signals, railway rules and train operation order;



- c) Give command to the response to accidents on the railway;
  - d) Receive and consolidate information relating to the control of rail transport;
  - dd) Cooperate with international railway organizations in controlling rail transport;
  - e) Store data on the control of rail transport in accordance with regulations of law.
3. The Minister of Transport shall specify the control of national and dedicated rail transport.
  4. The People's Committees of provinces shall specify the control of urban rail transport.

#### **Article 42. Load, maximum load order and maximum speed order**

1. The load of active train must not exceed the permissible load applied to each section and railway line according to the maximum load order.
2. The maximum load order shall be created according to technical conditions and bearing load of the work and bridge construction equipment.
3. The maximum speed order shall be created according to the permissible technical conditions, capacity of railway works and railway vehicle load.
4. The railway infrastructure enterprise shall create and publish the maximum load order and maximum speed order on the segment or railway line assigned to such enterprise.
5. The Minister of Transport shall specify procedures for creating and publishing maximum load order and maximum speed order applied to trains running on national railways, urban railways sharing the national and dedicated railways.
6. The People's Committees of provinces shall specify procedures for creating and publishing maximum load order and maximum speed order applied to trains running on urban railways.

#### **Article 43. Timetable**

1. A timetable provides a basis for train operation and is established on an annual, periodic and seasonal basis for each line and the entire railway network. The timetable must be established according to the principle of non-discrimination, must ensure rail transport safety and must be made publicly available.
2. The establishment of timetable must depend on the following factors:
  - a) Transport enterprise's demands, including time, payload, number of passengers and transport quality; transport lines, departure, transit and destination stations;
  - b) Capacity of the railway infrastructure and railway vehicles;

c) The time needed for maintenance and repair of railway works;

d) The order of priority of trains running on the same line.

3. The railway infrastructure enterprise shall establish and publish the timetable applied to trains running on the railway line which the enterprise manages.

4. The power to establish and publish the timetable:

a) The Minister of Transport shall establish and publish the timetable and inspect the adherence to the timetable applied to trains running on national railway, dedicated railway that is connected to the national railway, and urban railway sharing the national railway.

b) The People's Committees of provinces shall establish and publish the timetable, and inspect the adherence to the timetable applied to trains running on urban railways, dedicated railway that is connected to the national railway.

#### **Article 44. Responsibility of organizations and individuals upon the occurrence of railway accidents**

1. When a railway accident occurs, relevant organizations and individuals must undertake the following missions:

a) Driver or another onboard railway worker must immediately stop the train;

b) The train captain shall assign railway workers and the person that is present at the scene to assist the victims, protect assets of the State and the victims and immediately inform the nearest rail transport control organization or railway station.

In case of damage to the train or railway, the train captain shall make records on the accident and provide information relating to the accident at the request of a competent authority.

In case of no damage to the train or railway, the train captain shall keep operating the train after making records on the accident and appointing another person to work with the competent authority on his/her behalf.

c) Upon receipt of notification, the rail transport control organization or railway station shall immediately inform the nearest police station and People's Committee;

d) Upon receipt of notification, the nearest police station and People's Committee shall be immediately present at the crash scene.

2. For the train without train captain, in addition to immediately stopping the train upon the occurrence of a railway accident, the driver shall undertake the train captain's missions as prescribed in Point b, Clause 1 of this Article. In case of no damage to the train or railway, the

driver shall be only allowed to keep operating the train after making records on the accident and appointing another person to work with the competent authority on his/her behalf.

3. Another road user shall transport the victim to a health facility when passing through the place where the railway accident occurs unless that road user is on urgent mission.

4. The People's Committees at all levels where the railway accident occurs shall cooperate with police stations and railway enterprises in assisting the victim and protect assets of authorities, organizations and individuals. The People's Committee of the commune where the railway accident occurs shall organize burial of unidentified victims.

5. All organizations and individuals must not obstruct the restoration of the railway and rail transport after the occurrence of a railway accident.

6. The Minister of Transport shall specify the response to railway accidents; shall analyze and consolidate reports on railway accidents.

#### **Article 45. Actions against acts or response to accidents upon detection thereof**

1. The person who detects any act or accident that potentially obstructs or threatens rail transport safety shall inform the nearest railway station, railway authority, local authority or police station; in case of emergency, stop signals must be immediately sent to the train.

2. Upon receipt of notification or stop signal, the recipient must take immediate actions to ensure rail transport safety and inform the unit directly managing railway infrastructure, which will cooperate with relevant units in taking remedial measures.

3. The organization or individual that commits any act that obstructs or threatens rail transport safety must incur penalties; in case of damage, they must provide compensation as prescribed by law.

#### **Article 46. Rail transport safety assurance by rail transport enterprises**

1. The railway enterprise shall ensure rail transport safety under their management; cooperate with police stations and People's Committees in preventing and taking actions against violations of the law on railway transport, and is responsible to the law for their decision.

2. Rail transport enterprises using the national railway network shall assemble onboard security forces.

3. The Government shall specify the organization, uniforms, badges, tasks and powers of onboard security forces. The equipment, management and use of combat gear of onboard security forces shall be compliant with regulations of the law on management and use of weapons, explosive materials and combat gear.

#### **Article 47. Responsibility of Public Security Forces for rail transport safety assurance**

1. Public Security Forces shall:

a) inspect people and vehicles in rail traffic as prescribed by law;

b) investigate and respond to railway accidents and take actions against violations of the law on rail transport;

c) take charge and cooperate with transport inspectors, railway security forces, and relevant authorities, organizations and individuals in ensuring rail transport safety.

2. The Minister of Public Security shall specify procedures for inspecting actions against violations and investigating and responding to railway accidents.

**Article 48. Responsibility the People's Committees of all levels which railways pass through for rail transport safety assurance**

The People's Committees at all levels shall organize, instruct and inspect the performance of the following tasks:

1. Disseminate the law on railway safety assurance;

2. Provide land area for construction of collector roads, flyovers, underpasses and fences to ensure rail transport safety when transferring and leasing out land along the railway safety corridor;

3. Take measures against illegal occupation of railway safety corridor and measures for railway safety assurance;

4. Improve safety at illegal crossings; gradually remove illegal crossings; be responsible for the appearance of new illegal crossings;

5. Provide sufficient funding for the assurance of rail transport within their responsibility;

Carry out inspections and take actions against violations of rail transport safety as prescribed by law;

7. Participate in the response to railway accidents as prescribed in Article 44 of this Law;

8. The head of the local government of the area which railways pass through must bear responsibility in case a railway accident occurs in the area under their management in accordance with regulations of law.

**Chapter VI**

**RAILWAY BUSINESS**

## **Section 1. RAILWAY BUSINESS**

### **Article 49. Railway business**

1. Railway business includes railway infrastructure business, rail transport business and urban railway business.
2. Railway business is a conditional business line.
3. The Government shall elaborate Clause 2 of this Article.

## **Section 2. RAILWAY INFRASTRUCTURE BUSINESS**

### **Article 50. Railway infrastructure business**

1. The state-invested railway infrastructure shall be assigned, leased out or transferred for a limited period of time to enterprises for operation in accordance with regulations.
2. The organization or individual that uses the state-invested railway infrastructure or other organizations or individuals for business shall pay for use of railway infrastructure.

### **Article 51. Rights and obligations of railway infrastructure enterprises**

1. A railway infrastructure enterprise has the following rights:
  - a) Use and operation of railway infrastructure as prescribed;
  - b) Request organizations and individuals related to railway infrastructure to comply with technical standards and regulations on railway infrastructure;
  - c) Propose rents for state-invested railway infrastructure under their management;
  - d) Suspend train operation when the railway infrastructure is found threatening train operation safety and be responsible to law for their decision;
  - dd) Receive compensation in case the damage to railway infrastructure is caused by the rail transport enterprise or another organization or individual;
  - e) Receive assistance from the State as prescribed in Clause 1, Article 68 of this Law;
  - g) Other rights prescribed by law.
2. A railway infrastructure enterprise has the following obligations:
  - a) Manage and use railway infrastructure assets as prescribed by law;

- b) Maintain the declared technical conditions and quality of the railway infrastructure to ensure safe and continuous rail transport;
- c) Create and publish the maximum speed order, maximum load order and timetable applied to trains running on lines and sections to provide a basis for train operation;
- d) Control rail transport on national and urban railways when assigned by the State. Provide railway authorities and customers with information about provision of rail transport control services and capacity of railway infrastructure upon request;
- dd) Promptly report threats to train operation safety and suspension of train operation to the traffic controllers at two ends of the block where the threat is found, rail transport operators, or customers using railway infrastructure;
- e) Undertake national defense and security missions and carry out special train operation order at the request of a competent authority;
- g) The operating enterprise is liable for any damage it causes to the railway infrastructure asset that is assigned, leased out or transferred by the State;
- h) Pay for use of railway infrastructure as prescribed;
- i) Other obligations prescribed by law.

### **Section 3. RAIL TRANSPORT BUSINESS**

#### **Article 52. Rail transport business**

1. Rail transport business includes passenger, luggage and cargo transport services.
2. The Minister of Transport shall specify the transport of passengers, luggage and cargoes on the national railway and dedicated railway that is connected to the national railway.
3. The People's Committees of provinces shall specify urban rail transport business.

#### **Article 53. Rights and obligations of rail transport enterprises**

1. A rail transport enterprise has the following rights:
  - a) Be provided with technical and economic information, and rail transport control services related to the capacity of railway infrastructure;
  - b) Use railway infrastructure and rail transport control services on the railway network for rail transport business as prescribed;

c) Suspend train operation when the railway infrastructure is found threatening train operation safety, inform the railway infrastructure enterprise and be responsible to law for their decision;

d) Receive compensation for the damage caused by railway infrastructure enterprises or other organizations and individuals;

dd) Other rights prescribed by law.

2. A rail transport enterprise has the following obligations:

a) Operate train in line with the timetable, maximum load order and maximum speed order published by the railway infrastructure enterprise;

b) Give priority to provision of transport services to serve special or social security missions at the request of a competent authority;

c) Stop trains upon receipt of notification given by a railway infrastructure enterprise;

d) Pay the railway infrastructure enterprise for use of railway infrastructure and rail transport control services;

dd) Satisfy all train operation safety requirements during operation;

e) Accept the instructions from a competent authority and cooperate with railway infrastructure enterprises in preventing and responding to railway accidents and damage caused by natural disasters in accordance with regulations of law;

g) Provide compensation as prescribed by law;

h) Provide information about transport demands, capacity of vehicles and transport equipment for railway infrastructure enterprises to serve the establishment and distribution of timetable and provide a basis for formulation of the plan for investment in upgrade and maintenance of railway infrastructure;

i) Other obligations prescribed by law.

#### **Article 54. Passenger and luggage transport contract**

1. Passenger and luggage transport contract is the agreement between the rail transport enterprise and passenger on transport of passengers and luggage, whereby the rail transport enterprise shall transport passengers and luggage from the place of departure to the place of destination. The passenger and cargo transport contract shall specify the rights and obligations of the parties and be made in writing or in other forms agreed upon by the two parties.

2. The ticket is the evidence of the conclusion of passenger transport contract. The ticket shall be issued by the passenger transport enterprise as prescribed by law.

## **Article 55. Cargo transport contract**

1. Cargo transport contract is the agreement between the rail transport enterprise and the consignor on transport of passengers and luggages, whereby the rail transport enterprise shall transport cargoes from the place of departure to the place of destination and transfer cargoes to the consignee specified in the contract. The cargo transport contract determines rights and obligations between parties and shall be made in writing or in other forms agreed upon by the two parties.
2. The consignment invoice is part of the transport contract and issued by the rail transport enterprise as prescribed by law. The rail transport enterprise shall issue an invoice to the consignor after the cargoes are received from the consignor; the invoice shall bear signature of the consignor or the person authorized by the consignor. The consignment invoice is a documentary evidence of cargo delivery between the rail transport enterprise and consignor and is an evidence for settlement of disputes.
3. The consignment invoice must specify types of cargoes; signs and codes of cargoes; volume and weight of cargoes; place of delivery, place of receipt, name and address of consignors, name and address of consignees; freight and expenses incurred; other details inscribed in the invoices under the agreement between the rail transport enterprise and consignor; certification by the rail transport enterprise of condition of the transported cargoes.

## **Article 56. Rail transport freight**

1. The freight for transport of passengers, luggage and cargoes on national railways shall be decided by the rail transport enterprise; the freight for transport of passengers, luggage and cargoes on urban railways shall be decided by the People's Committee of province; the freight for transport of passengers, luggage and cargoes on dedicated railways shall be decided by the dedicated railway enterprise.
2. The freight must be publicly posted at railway station and published through the media or website of the rail transport enterprise before it is applied.
3. The freight for transport of oversized and overweight cargoes shall be agreed upon by the rail transport enterprise and consignor.
4. The Government shall specify the exemption from and reduction in the freight for transport of passengers who are social policy beneficiaries.

## **Article 57. International transport**

1. International transport is the transport from Vietnam to foreign countries, from foreign countries to Vietnam or transit through Vietnam to proceed to a third country by rail.
2. International rail transport must be compliant with regulations of the relevant international treaties to which the Socialist Republic of Vietnam is a member state.



## **Article 58. Provision of transport services for special or social security missions**

1. Provision of transport services for special missions is the transport of people, cargoes and equipment for prevention and response to an accident, epidemic, or performance of a national defense and security mission.
2. Provision of transport services for social security missions is the transport of passengers on lines and sections in service of residential community of an area of which the State needs to protect common interests and such kind of services are likely to make a loss.
3. The rail transport enterprise shall provide transport services serving special or social security missions at the request of the competent authority and shall receive assistance as prescribed in Article 68 of this Law.

## **Article 59. Responsibility to buy insurance for passengers**

1. The passenger transport enterprise must buy insurance for passengers; insurance premium is included in the ticket price.
2. The ticket and travel documents are the basis for payment of insurance payout upon occurrence of insured event.
3. Provision of insurance for passengers shall be compliant with regulations of the Law on Insurance Business.

## **Article 60. Rights and obligations of passengers**

1. A passenger has the following rights:
  - a) Enjoy all benefits in accordance with the ticket class and do not have to pay for transport of the hand luggage taken with him/her if its weight and contents do not violate regulations of the rail transport enterprise;
  - b) Return and change his/her ticket before the train leaves and bear all expenses (if any) as prescribed by the rail transport enterprise;
  - c) Receive a refund, compensation for damages and expenses incurred in case of loss of life, health and property inflicted by the rail transport enterprise according to regulations of law;
  - d) Have their lives and health insured as prescribed by law;
  - dd) Other rights as prescribed by law.
2. A passenger has the following obligations:
  - a) Carry his/her ticket and luggage ticket, and protect his/her luggage;

- b) Provide compensation if damaging or losing assets of the rail transport enterprise;
- c) Strictly obey the train rules and other relevant regulations of law.

### **Article 61. Rights and obligations of consignors**

1. A consignor has the following rights:

- a) Change consignment contract even when cargoes have been transferred to the rail transport enterprise or cargoes have been loaded onto coaches, and bear expenses incurred due to change of transport contract;
- b) Designate an alternative consignee when such cargoes are yet to be consigned to the previous consignee; change place of delivery or return the shipment, and bear all expenses incurred due to change of consignee and place of delivery;
- c) Receive compensation for loss or damage of goods or late delivery caused by the rail transport enterprise according to regulations of law;

2. A consignor has the following obligations:

- a) Declare his/her cargoes in a truthful manner and take responsibility for such declaration;
- b) Pay freight on schedule and according to the payment method specified in the contract;
- c) Handle cargoes and fulfill conditions for transport of cargoes under the guidance of the rail transport enterprise;
- d) Transfer cargoes to the rail transport enterprise on schedule and at the right place;
- dd) Provide documents and other necessary information about the cargoes;
- e) Provide compensation for untruthful declaration of cargoes, causing damage to the rail transport enterprise loses or damages cargoes, or other damages in accordance with regulations of law.

### **Article 62. Transport of dangerous cargoes**

1. Dangerous cargo is the cargo that may threaten people's health and lives, and environmental hygiene when transported by rail.
2. The transport of dangerous cargoes by rail must be compliant with regulations of the law on transport of dangerous cargoes and environmental safety.
3. Only the railway vehicle that satisfies all technical safety requirements are allowed to transport dangerous cargoes.

4. The Government shall specify a list of dangerous cargoes and conditions for handling and transport of dangerous cargoes by rail.

#### **Article 63. Transport of living animals**

The transport of living cargoes by rail must be compliant with regulations of the law on safety, hygiene, epidemic prevention and environmental safety.

#### **Article 64. Transport of corpses and bones by national railway**

1. Escorts are required when corpses and bones are transported by national railway.
2. Assurance of hygiene, epidemic prevention, environmental safety and sufficient documents are required as prescribed by law when corpses and bones are transported by national railway.

#### **Article 65. Transport of oversized and overweight cargoes**

1. Upon transport of oversized and overweight cargoes, the rail transport enterprise shall prepare a plan for handling, securing, transport of cargoes, assurance of train operation and railway infrastructure.
2. The Minister of Transport shall specify transport of oversized and overweight by rail.

### **Section 4. FINANCIAL MANAGEMENT DURING RAILWAY BUSINESS**

#### **Article 66. Fee and price for use of railway infrastructure**

1. Fees and prices for use of railway infrastructure directly serving train operation are the payments for use of railway infrastructure directly serving train operation in order for train to run through station, on railway lines or sections.
  - a) Fees for use of railway infrastructure directly serving train operation are applied to the method of allocating state-invested railway infrastructure assets.
  - b) Prices for use of railway infrastructure directly serving train operation are applied to the method of leasing out or transferring the limited right to use state-invested railway infrastructure.
2. Prices for use of railway infrastructure not directly serving train operation are the payments for use of railway infrastructure not directly serving train operation.
3. The Ministry of Finance shall take charge and cooperate with the Ministry of Transport in specifying fees and prices for use of state-invested railway infrastructure.

#### **Article 67. Prices for rail transport control services**

1. Prices for rail transport control services are the payments for use of rail transport control services in order for train to run through station, on railway lines or sections.

2. The power to fix the prices:

a) The Ministry of Transport shall take charge and cooperate with the Ministry of Finance in fixing the prices for provision of rail transport control services on the state-invested railway infrastructure;

b) Organizations and individuals shall decide the prices for provision of rail transport control services on the railway infrastructure in which they invested.

**Article 68. Provision of assistance for the railway enterprise in undertaking special or social security missions**

1. The State shall cover reasonable expenses incurred by the railway enterprise that provides transport services serving special or social security missions.

2. The Government shall elaborate this Article.

**Article 69. Management and use of revenue from operation of state-invested railway infrastructure assets assigned, leased out or transferred by the State**

The revenue from operation of the state-invested railway infrastructure assets assigned, leased out or transferred by the State shall be managed and used in accordance with the law on management and use of public property.

**Chapter VII**

**URBAN RAILWAYS**

**Article 70. General requirements for urban railways**

1. Development of urban railways must be conformable to the local development planning and facilitate urban development.

2. Other modes of transport shall be effectively connected in urban areas to serve the transport of passengers. Spatial and technical connections must be established between urban railway works and surrounding works to ensure uniformity according to the urban planning.

3. Urban railway works, vehicles and equipment must satisfy economic and technical requirements to ensure uniformity, safety and national defense and security, and requirements for fire safety, rescue, urban landscapes and environmental safety.

4. Urban railway safety corridor must meet the following requirements:

- a) Do not plant trees or illegally construct works within the corridor;
  - b) Be separated to prevent unauthorized access;
  - c) Serve the fire safety and rescue.
5. Ensure convenience for passengers and accessibility to the disabled in accordance with regulations of law.

#### **Article 71. Types of urban railways**

1. Urban railways include subways, above-ground subways, overhead trains, monorails and tramways
2. The establishment and issuance of national technical standards and regulations on types of urban railways shall be compliant with regulations of the Law on Technical Regulations and Standards.

#### **Article 72. Policies on development of urban railways**

1. The policies are specified in Article 5 of this Law.
2. The State shall mobilize sources to develop urban railway into one of the main modes of transport in large urban areas.
3. The State shall provide assistance in urban railway business.

#### **Article 73. Responsibility of the People's Committees of provinces for investment, construction and management of urban railways**

1. Invest, construct, manage and operate urban railways within their provinces.
2. Decide on application of standards to urban railways.
3. Provide guidance on the protection of railway infrastructure.
4. Introduce or propose policies on or submit the policies on subsidies for providers of urban rail transport services in accordance with regulations of law.

#### **Article 74. Rights and obligations of the enterprise that urban railway enterprise**

1. Exercise rights and assume obligations of railway infrastructure enterprises and rail transport enterprises as prescribed in Article 51 and Article 53 of this Law.
2. Research into and apply science and technology, and provide training to meet business requirements of enterprises.

### **Article 75. Requirements for urban railway infrastructure**

1. Urban railway infrastructure must ensure stability and meet requirements for safety, environment and fire safety corresponding to the type of existing urban railway.
2. The traction power network must be controlled and monitored in a concentrated manner, stable and readily available when needed in order not to interrupt train operation.
3. Train operation management system must be operated in a concentrated manner.
4. Necessary information and instructions provided for passengers must be clear and understandable in Vietnamese and English.

### **Article 76. Ticket control system**

1. The ticket control system shall use modern and synchronized technology and can be connected to the ticket control system of other modes of transport.
2. The equipment of ticket control system shall prevent and avoid damages and unauthorized access.
3. The ticket control system shall be easy to access and use, and safe for passengers and railway workers.

### **Article 77. Safety management of urban railways**

1. A newly built or upgraded urban railway shall be required of assessment and certification of system safety; assessed and issued with a Certificate of verification of urban railway system safety documents before it is put into operation.
2. Urban railway enterprises must build safety management system and issued with a certificate of urban railway operation safety management system.
3. The Minister of Transport shall specify the assessment and certification of urban railway system safety and issue the certificate of verification of system safety documents and certificate of urban railway operation safety management system.

## **Chapter VIII**

### **HIGH-SPEED RAIL**

#### **Article 78. General requirements for high-speed rail**

1. High-speed rails shall efficiently connect large urban areas, economic centers, key economic regions and other modes of transports.

2. Uniformity, modernity, safety and natural disaster preparedness, and environmental safety must be ensured.
3. An overall research on the entire line must be conducted and the rail must be constructed according to transport demands and capital mobilization.
4. High-speed rail works, vehicles and equipment must satisfy technical requirements to ensure uniformity, safety, efficiency and satisfy requirements for fire safety and rescue.
5. The ability of the management system to inspect and monitor train operation must be maintained.
6. Land area for high-speed rail according to the planning approved by a competent authority shall have boundary marker planted under the construction planning for management and preparation for construction.
7. The high-speed rail safety corridor must be carefully protected to prevent unauthorized access.
8. The high-speed rail must ensure convenience for passengers and accessibility to the disabled in accordance with regulations of law.
9. Provision of training for human resources and technology transfer must be conformable to the construction plan and satisfy requirements for management and operation.

#### **Article 79. Policies on development of high-speed rail**

1. The policies are specified in Article 5 of this Law.
2. The State shall play a key role in the investment, construction, management, maintenance and operation of high-speed rail, and high-speed rail business.
3. High-speed rail shall be developed so that it can connect key economic regions, thereby boosting socio-economic growth.
4. High-speed rail shall be developed in a uniform and modern manner.

#### **Article 80. Requirements for high-speed rail infrastructure**

1. The high-speed rail infrastructure must ensure stability and satisfy requirements for safety, environment and fire safety corresponding to the type of high-speed rail that is being invested.
2. The traction power network must be controlled and monitored in a concentrated manner, stable and readily available when needed in order not to interrupt train operation.
3. Train operation management system must be operated in a centralized manner.

4. Necessary information and instructions provided for passengers must be clear and understandable in Vietnamese and English.

#### **Article 81. Management, operation and maintenance of high-speed rails**

1. The State shall provide funding for management and maintenance of state-invested high-speed rails.

2. The investor shall provide funding for management and maintenance of the high-speed rail in which he/she invested.

3. The operation of high-speed rails must ensure safety, convenience and efficiency.

#### **Article 82. Safety management of high-speed rails**

1. A newly built or upgraded high-speed rail shall be required of assessment and certification of system safety before it is put into operation.

2. High-speed rail enterprise must build and maintain the safety management system.

### **Chapter IX**

#### **STATE MANAGEMENT OF RAILWAY ACTIVITIES**

#### **Article 83. State management of railway activities**

1. Formulate, organize the implementation of planning, plans and policies for railway development.

2. Prepare, issue and organize the implementation of legislative documents, national technical standards and regulations, economic and technical norms for railway activities.

3. Disseminate the law on railway transport.

4. Manage the investment in construction of railway infrastructure; announce the opening and closure of railway stations and lines.

5. Manage public investment in railway transport; manage the maintenance of railway infrastructure.

6. Manage the railway transport and rail transport control.

7. Manage the railway safety assurance; manage and ensure the safety of trains on special missions.

8. Manage natural disaster preparedness and search and rescue and investigate railway accidents.



9. Issue, reissue, recognize, revoke and cancel certificates and licenses relating to railway activities.
10. Organize the implementation of registration and inspection of railway vehicles.
11. Manage scientific and technological activities; provide training; protect the environment, respond to climate change and use energy economically and efficiently in railway activities.
12. Ensure international cooperation in railway activities.
13. Manage price, fees and charges in railway activities.
14. Inspect and deal with complaints; and take actions against violations of law in railway activities.

#### **Article 84. Responsibility for state management of railway activities**

1. The Government shall perform uniform state management of railway activities.
2. The Ministry of Transport shall play a central role in assisting the Government in performing state management of railway activities.
3. Ministries and ministerial agencies shall take charge and cooperate with the Ministry of Transport in performing state management of railway activities.
4. The People's Committees of provinces shall perform state management of railway activities.

#### **Article 85. Dissemination of the law on railway transport**

1. All organizations involved in railway activities shall disseminate the law on railway transport to officials, public employees and staff under their management; cooperate with local governments at all levels which railways pass through in encouraging people to observe the law on railway transport.
2. The People's Committees at all levels shall disseminate the law on railway transport to the locals.
3. Information and communications authority shall organize the dissemination of the law on railway transport to the people on a regular basis.
4. Education and training authority shall provide instructions on the propagation and dissemination of the law on railway transport to educational institutions.
5. The Vietnamese Fatherland Front and its member organizations shall cooperate with relevant authorities and local governments in propagating and encouraging the people in observing the law on railway transport.

## **Chapter X**

### **IMPLEMENTATION CLAUSE**

#### **Article 86. Effect**

1. This Law comes into force from July 01, 2018.
2. The Law No. 35/2005/QH11 expires from the effective date of this Law.

#### **Article 87. Transition clause**

1. Any railway work project that is approved before the effective date of this Law is not subject to reapproval; the subsequent operations that are yet to be conducted may be conducted as prescribed by this Law.
2. Railway infrastructure enterprises shall take measures for assurance of train operation safety at the rail junctions that exist before the effective date of this Law but are not conformable with Clause 1, Article 15 of this Law.
3. Railway infrastructure enterprises shall take measures for assurance of train operation safety at level junctions that exist before the effective date of this Law but are not conformable with Clause 1, Article 17 of this Law.
4. The People's Committees at all levels shall take charge and cooperate with relevant regulatory authorities and railway infrastructure enterprises in taking measures for assurance of railway and road safety at illegal crossings that exist before the effective date of this Law and are yet to be handled as prescribed in Point b, Clause 4, Article 17 of this Law.

*This Law has been ratified in the 3<sup>rd</sup> session of the 14<sup>th</sup> National Assembly of the Socialist Republic of Vietnam dated June 16, 2017.*

**PRESIDENT OF THE NATIONAL  
ASSEMBLY**

**Nguyen Thi Kim Ngan**