

THE GOVERNMENT

Chapter II

DECREE No.167/1999/ND-CP OF NOVEMBER 26, 1999 ON ORGANIZING THE LAND ROAD MANAGEMENT

THE GOVERNMENT

Pursuant to the Law on Organization of the Government of September 30, 1992;

Pursuant to the State Budget Law of March 20, 1996;

Pursuant to the Ordinance on the Protection of Traffic Works of December 2, 1994;

At the proposal of the Minister of Communications and Transport,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.-

1. This Decree provides for the classification of land roads, land road investment capital and assignment of responsibility for land road management.

2. Land roads mentioned in this Decree mean the communications and transport infrastructure in service of the movement people and different land road traffic means.

Article 2.- The nationwide land road systems constitute an integrated network subject to the State's unified management, irrespective of the capital sources used for their construction.

Article 3.- All domestic and foreign agencies, organizations and individuals, including overseas Vietnamese, that invest capital in the construction, management, repair and exploitation of land road systems in Vietnam shall have to comply with the provisions of this Decree and the relevant laws.

Article 4.- All domestic and foreign organizations and individuals, including overseas Vietnamese operating on the territory of the Socialist Republic of Vietnam, shall have to protect and preserve land road systems, and strictly observe the regulations on the management and exploitation thereof.

MANAGEMENT OF LAND ROADS

Article 5.- The Ministry of Communications and Transport shall be answerable to the Government for the exercise of its function of State management over land roads throughout the country, which includes the following contents:

1. Elaborating the strategy, planning and plans for development of the nationwide land road systems in service of economic, political, cultural and social development, ensuring the national defense and security; directing the provinces and centrally-run cities to draw up planning and plans for development of the local land road network in conformity with the general planning and plans on development of the land road network of the whole country;

2. Elaborating for submission to the Government for promulgation or promulgating according to its competence legal documents, economic-technical criteria and norms and other regulations on land road management;

3. Submitting to the Government for ratification or ratifying according to its competence investment projects for land road construction according to the investment and construction management regulations;

4. Inspecting and examining the implementation of the law provisions on the management of land roads and quality of land road works throughout the country.

Article 6.- The People's Committees of all levels shall perform the management of land roads, which includes the following contents:

1. Elaborating the planning and plans for development of local land roads in conformity with the planning on economic and social development as well as security and defense in the locality, and under the direction and guidance of the Ministry of Communications and Transport regarding the general strategy and planning for development of the nationwide land road network;

2. Organizing the management and protection of the local land road systems, and protecting the land roads running through their respective localities according to law provisions; coordinating with the concerned agencies in drawing up the plan on development and improvement of underground works in areas where land roads run through;

3. Conducting propaganda and education on and inspection of the implementation of law provisions on land roads under their respective local

management;

4. Directing the specialized organizations that have the function of State management over land roads in their respective localities to comply with law provisions and specialized guidance of the Ministry of Communications and Transport.

Article 7.- The Ministry of Planning and Investment, the Ministry of Finance, the Ministry of Construction as well as the relevant ministries and branches shall, within the ambit of their functions, tasks and powers, have to coordinate with the Ministry of Communications and Transport in exercising the State management over land roads.

Chapter III

CLASSIFICATION OF LAND ROADS

Article 8.- The land road network is divided into 6 systems as follows:

1. The national highway system (symbolized as QL) is composed of the main axis roads of the nationwide land road network, which are of great importance, serving the country's economic, political, cultural and social interests as well as security and defense, including:

a/ Roads linking Hanoi capital with the centrally-run cities and administrative centers of the provinces;

b/ Roads running from main axes to international border gates and main border gates (including national ports), and to major industrial zones;

c/ Roads linking administrative centers of many provinces (three or more provinces) which are of great economic, political, cultural and social, security and defense significance for each region.

2. The provincial road system (symbolized as ĐT) is composed of axis roads within a province or centrally-run city (hereafter referred to as province for short), including roads linking the city or the province's administrative center with the districts' administrative centers and axis roads linking the province's administrative center with the administrative centers of the adjacent provinces.

3. The district road system (symbolized as ĐH) is composed of roads linking the district's administrative center with the administrative centers of communes or commune clusters of the district and roads linking the district's administrative center with the administrative centers of the adjacent districts.

4. The commune road system (symbolized as ĐX)

is composed of roads linking the commune's administrative center with hamlets and villages or roads linking communes together in service of public communication within the commune.

5. The urban road system (symbolized as ĐĐT) is composed of roads lying in the urban area within the administrative boundaries of a city, provincial capital or district town.

6. The special-use road system (symbolized as ĐCD) is composed of internal roads or roads used exclusively for transport and communications by one or a number of agencies, enterprises and/or private establishments.

Article 9.- The competence to decide the classification of land road systems is determined as follows:

1. The national highway system is decided by the Minister of Communications and Transport.

2. The provincial road system is decided by the president of the People's Committee of the province or centrally-run city (hereafter referred to as provincial People's Committee for short) after getting the written consent from the Minister of Communications and Transport.

3. The urban road system is decided by the president of the provincial People's Committee after getting the written consent from the Minister of Construction and Minister of Communications and Transport.

4. The district road system is decided by the president of the provincial People's Committee.

5. The commune road system is decided by the president of the district People's Committee.

6. The special-use road system is decided by organization(s) and/or individual(s) that share the roads after getting written consent from the president of the provincial People's Committee.

The adjustment of the special-use road system into one of the above-mentioned 5 roads systems shall be conducted according to the competence defined in Clauses 1, 2, 3, 4 and 5 of this Article.

After deciding the classification of the provincial and district road systems, the president of the provincial People's Committee shall have to report it to the Minister of Communications and Transport; after deciding the classification of the commune road system, the president of the district People's Committee shall have to report it to the president of the provincial People's Committee.

*Chapter IV***ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITY FOR LAND ROAD MANAGEMENT**

Article 10.- The central-level land road management agencies

The Ministry of Communications and Transport shall exercise the unified State management over land roads throughout the country; and directly manage the national highway system. The Vietnam Land Road Administration is assigned by the Ministry of Communications and Transport the task of directly managing national highway sections; and proposing the Minister of Communications and Transport to assign the provincial People's Committees the task of managing a number of national highway sections and lines.

Article 11.- The local land road management agencies

1. The provincial People's Committees shall manage the local land road systems according to law provisions; directly organize the management of the provincial and urban road systems. The provincial/municipal Departments of Communications and Transport shall directly manage the national highway sections which have been assigned by the Ministry of Communications and Transport to the provincial People's Committee as well as the important urban and provincial routes (or sections); and propose the provincial People's Committee to assign the districts to manage the remaining provincial and urban roads.

2. The district People's Committees shall manage roads within their respective districts. The specialized agency under the district People's Committees are tasked to directly manage the provincial and urban roads which have been assigned by the provincial People's Committee; and manage the district road system.

3. The commune People's Committees shall manage commune roads within their respective communes.

Article 12.-

1. Agencies, organizations and/or individuals, before building the special-use roads, must obtain permission from the competent bodies and must register the roads at the provincial/municipal Departments of Communications and Transport; the management and exploitation of such roads must comply with the regulations and guidance of the specialized management agencies.

2. Domestic and foreign agencies, organizations and individuals operating on the territory of the Socialist Republic of Vietnam that are licensed to invest in the construction of land roads in form of Build- Operate- Transfer (BOT) contracts, shall organize the road management and exploitation according to regulations and guidance of the specialized management agencies.

*Chapter V***LAND ROAD INVESTMENT CAPITAL**

Article 13.- Land road investment capital includes:

- Investment capital for construction, restoration, improvement and upgrading of land roads;
- Capital for land road management and repair.

The management of land road investment capital shall comply with the State's current regulations.

Article 14.- Land road investment capital sources

1. The land road investment capital for the national highway system shall be covered by the central budget and other capital sources.

2. The land road investment capital for the provincial and district road systems shall be covered mainly by the local budget and other capital sources.

3. The land road investment capital for the commune road system shall be mobilized mainly from the financial and labor contributions of the local people and commune budget and be partly supported by the higher-level budget as well as other capital sources.

Article 15.- Capital for land road management and repair shall be used for the following purposes:

1. Management and regular repair;
2. Periodical repair;
3. Irregular repair.

The Ministry of Communications and Transport shall reach agreement with the Finance Ministry in order to specify the management of investment capital for land road management and repair on the basis of the State's current regulations.

Article 16.- The Ministry of Planning and Investment shall notify the provincial People's Committees of the State budget capital sources for the construction, restoration, improvement and upgrading of local land road systems and at the same time send notices thereon to the Ministry of Communications and Transport.

Article 17.- The Finance Ministry shall notify the provincial People's Committees of the sources of State fund for investment in the management and repair of the local land road systems, and at the same time send notices thereon to the Ministry of Communications and Transport.

Article 18.- The investment capital for land road projects in form of Build-Operate-Transfer (BOT) and Build-Transfer (BT) contracts shall comply with the State's current regulations.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 19.- This Decree takes effect 15 days after its signing.

The earlier provisions contrary to this Decree are all now annulled.

Article 20.- The Ministry of Communications and Transport shall assume the prime responsibility and coordinate with the Finance Ministry, the Ministry of Planning and Investment, the Ministry of Construction and the relevant ministries and branches in guiding the implementation of this Decree.

Article 21.- The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and the presidents of the People's Committees of the provinces and centrally-run cities shall have to implement this Decree.

On behalf of the Government
Prime Minister
PHAN VAN KHAI

Article 5.-

1. Within 30 days after the date of being granted