

Unofficial translation



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Ministry of Public Works and Transport

No.: 17179/MPWT
Vientiane Capital, 28 December 2009

DECISION
of
The Minister on the Protection and Maintenance of Main Roads

- Pursuant to the Law on Main Roads No. 04/09/NA, dated 3 April 1999;
- Pursuant to the Prime Minister's Decree No. 188/PM, dated 03 July 2007 on Fines and Measures against Violators of Laws and Regulations on Land Traffic, Land Transport, and Protection of Main Roads;
- Pursuant to the Prime Minister's Decree No. 373/PM, dated 22 October 2007 on the Organization and Operation of the Ministry of Public Works and Transport;
- Pursuant to the Notice regarding Measures against Violators of Provisions on Approval of Maximum Weight of Transport Trucks along the Roads of the Lao PDR No. 2157/MCTPC, dated 04 July 2000;
- Pursuant to the Provision on Approval of Maximum Weight of Transport Trucks No. 849/MCTPC, dated 05 March 2002;
- Pursuant to the mutual agreement of the committee of the Ministry of Public Works and Transport.

The Minister of Public Works and Transport hereby issues a Decision:

CHAPTER 1
General Provisions

Article 1 Objective

This Decision defines principles, regulations, and measures regarding the protection and maintenance of main roads with the aim of maintaining the road quality so that it is resistant, convenient, safe, normal, lasts for a long time, and reduces state budgetary expenses for unnecessary and unreasonable maintenance or repair.

Article 2 Obligations of Main Road Users

An individual or organization that uses main roads is obliged to contribute to the construction, protection, and maintenance of main roads as well as to maintain security, proper order in traffic, cleanliness, beauty, and environmental protection.

CHAPTER 2

Principles for Protection and Maintenance of Main Roads

Article 3 Principles for Protection of Main Roads

In the management of main roads, protection is considered as a significant priority, and shall be implemented on a strict and regular basis based upon the following main principles:

1. Monitoring a contractor to collect, sweep, and clean the road surface, the sides of the road, and water drainage systems so that they function on a regular and daily basis. If an issue is found that will obstruct traffic, might cause an accident, or there is damage to a road-bridge, a resolution must be quickly set in place to resolve the issue;
2. Inspecting and controlling the gross weight of each truck, collecting statistics on each time heavy trucks drive on and cross road-bridges or on each truck so that its weight is in compliance with the Provision on the Approval of Maximum Weight of Transport Trucks No. 849/MCTPC, dated 05 March 2002;
3. Preventing and prohibiting a person or organization from using a road or reserved areas on a road to conduct an activity that may cause damage to bridges and roads.

Article 4 Principles for Maintenance of Main Roads

In the management of main roads, the maintenance or repair of the road is considered as significant work that must be performed on a regular, timely, or urgent basis, which includes the following main principles:

1. Repairing the road when it is not severely damaged;
2. Repairing the actual damaged area of the road;
3. All repairs, whether small or large, must strictly comply with the design, technical requirements, and standards regarding road construction;
4. In case of sudden damage due to natural disasters or other causes, the public works and transport authority must coordinate with other parties to urgently repair the damaged road in order to avoid traffic jams and must report the issue to the Ministry of Public Works and Transport as a matter of urgency.

CHAPTER 3

Delegation of Duties and Responsibilities in the Management of the Protection and Maintenance of Main Roads

Article 5 Delegation of Duties and Responsibilities

The parts of the public works and transport authority to which duties and responsibilities in the protection and maintenance of main roads are delegated consist of:

1. The Roads Department;
2. Provincial and Capital Divisions of Public Works and Transport;
3. District and Municipal Offices of Public Works and Transport.

Article 6 Duties and Responsibilities of Roads Department

In the protection and maintenance of main roads, the Roads Department shall have the following duties and responsibilities:

1. Drafting a long-, medium-, and short-term plan on the protection and maintenance of main roads by coordinating with the Provincial and Capital Divisions of Public Works and Transport in order to propose them to the Minister of Public Works and Transport for approval;

2. Reviewing regulations, technical requirements, standards, and unit prices on the protection and maintenance of main roads in order to propose them to the Minister of Public Works and Transport for approval;
3. Monitoring and controlling contractors to protect and maintain main roads to strictly comply with the principles as set out in Articles 3 and 4 of this Decision;
4. Visiting and encouraging the Division of Public Works and Transport to pay attention to controlling and inspecting contractors to carry out protection of main roads on a regular basis and to repair the road based upon its actual damaged condition, in accordance with technical standards and requirements issued by the Ministry of Public Works and Transport;
5. Reporting to the Minister on the protection and maintenance of main roads countrywide on a regular basis, and on an urgent basis when natural disasters such as road failure, floods, erosion, landslides, fallen trees on the road, and other disasters occur, and reporting on progress on the urgent resolution of the problem and the rehabilitation plan for the damaged road;
6. Liaising and coordinating with the following local authorities to resolve matters:
 - Land management authority: to prevent the land registration or issuance of land use right to a person or an organization that covers a preserved area of the national road, a preserved area for the construction of a road-bridge, a bus station, a train station, a harbor, an airport, or other communication lands stipulated in Articles 30 and 31 of the Land Law (amended) No. 04/NA, dated 21 October 2003;
 - Energy and mines authority: to designate the management of road construction materials such as soil, rock, minerals, sand, and other materials in accordance with Article 18 of the Law on Main Roads No. 04/99/NA, dated 03/04/2003 and to designate a place for installing electrical posts and other infrastructure regarding the electrical system in preserved areas of the national road;
 - Agriculture and forestry authority: to determine methods for the construction of irrigation systems along or through roads, and near, under, or through preserved areas of the national road;
 - Provincial and Capital administrative authorities as well as Divisions of Public Works and Transport: to discuss, review, and create a plan and budget for the protection and maintenance of the national roads and local roads from time to time, to request cooperation in disseminating laws and regulations on main roads, and to convince citizens to join in the protection and maintenance of main roads located in their locality;
7. Reviewing requests for permission from a person or organization to use a preserved area of the national road for various purposes, such as installation of electrical posts, telecommunication posts, advertising displays, digging of land to place water pipes, waste water drainage, transmission lines, telecommunication lines, construction of large irrigation through or near a road or near or within the preserved area of a national road and other main roads, and forward the request to the Minister for consideration;

8. Encouraging the payment of fees into the Road Maintenance Fund and payment for the protection and maintenance costs of main roads in accordance with the expected result of the plan;
9. Liaising with foreign countries and international organizations in order to receive grant aid for the protection and maintenance of main roads as agreed by the Minister;
10. Performing other duties and responsibilities regarding the protection and maintenance of main roads.

Article 7 Duties and Responsibilities of Provincial and Capital Divisions of Public Works and Transport

In the protection and maintenance of main roads, a Division of Public Works and Transport shall have the following duties and responsibilities:

1. Reviewing and creating a plan for the protection and maintenance of main roads in provinces, districts, municipalities, and rural areas for each year, proposing it to the provincial and capital administrative authorities for consideration, inserting it into the provincial and capital socio-economic development plan, and reporting it to the Ministry of Public Works and Transport for acknowledgement;
2. Monitoring technical aspects of road quality and supervising contractors charged with the protection and maintenance of roads as well as inspecting and controlling the gross weight of trucks driven along local main roads and the national roads as per assignment of the Ministry of Public Works and Transport;
3. Reporting to the provincial and capital administrative authorities and the Ministry of Public Works and Transport urgently if any point of the road is destroyed or severely damaged due to any reason whatsoever, and proposing an urgent resolution and rehabilitation plan for the damaged road;
4. Reviewing and considering requests for permission from a person or organization to use a preserved area of the provincial road for purposes such as: installation of electrical posts, telecommunication posts, advertising displays, digging of land to place water pipes, waste water drainage, transmission lines, telecommunication lines, and construction of medium- and small-sized irrigation through or near a road or near or within the preserved area of a road;
5. Encouraging the payment of fees into the provincial and capital Road Maintenance Fund for the payment of the protection and maintenance costs of local main roads in accordance with the expected results of the plan;
6. Performing other duties and responsibilities regarding the protection and maintenance of main roads as assigned by the Ministry of Public Works and Transport.

Article 8 Duties and Responsibilities of District and Municipal Offices of Public Works and Transport

In the protection and maintenance of main roads, an Office of Public Works and Transport shall have the following duties and responsibilities:

1. Reviewing and creating a plan for the protection and maintenance of main roads under its supervision in order to propose and include it in the overall plan of the Division of Public Works and Transport;
2. Monitoring technical aspects of road quality and supervising contractors charged with the protection and maintenance of roads as well as reporting to the provincial or capital Division of Public Works and Transport regularly, and urgently if any point of

a road in a district or municipality is destroyed or severely damaged for any reason whatsoever;

3. Liaising with administrative authorities at each level and relevant stakeholders in a district or municipality to manage telecommunications land in accordance with regulations, and convincing citizens to contribute to the protection and maintenance of main roads in their villages, districts, and municipalities;
4. Reviewing and considering requests for permission from a person or organization to use a preserved area of the district or municipal road for various purposes, such as installation of electrical posts, telecommunication posts, advertising displays, digging of land to place water pipes, waste water drainage, transmission lines, and telecommunication lines, as well as requests for construction of a shop, a hut, or a temporary space for an event organized by a state organization or for a traditional festival of local citizens, or other requests, within the preserved area of the main road in their district or municipality;
5. Performing other duties and responsibilities regarding the protection and maintenance of main roads as assigned by the provincial and capital Divisions of Public Works and Transport.

CHAPTER 4

Prohibitions

Article 9 General Prohibitions

- I.** A person or organization is prohibited from conducting any activity on a road surface and in a preserved area of the road without permission. The activities include:
 1. Building a house, accommodation, or a shop in a preserved area of road;
 2. Installing an electrical post, telecommunications post, or advertising structure in a preserved area of road;
 3. Digging in land at each side of a road or a road surface to place water pipes, transmission lines, telecommunication lines, irrigation pipes, or rain drainage along, across, or under the road, or digging an irrigation channel in a preserved area of the road;
 4. Filling land which blocks water drainage or pipes placed at each side of the road in order to create a way or a bridge to a house or a particular place;
 5. Dropping or placing materials or items on either side of a road which may cause damage to the road structure, or installing any item across or on the road which may obstruct or harm traffic.
- II.** A person or an organization is prohibited from conducting the following activities on a road surface and in a preserved area:
 1. Digging, excavating, or scooping soil, rock, minerals, sand, or other materials on the road or in the preserved area of a road;
 2. Planting trees or plants along a water drainage channel, and placing any item which obstructs water drainage at the side of the road;
 3. Setting a fire on the road;
 4. Pouring oil or throwing waste on the road;
 5. Using a transport truck heavier than that permitted under the regulations on a road-bridge;
 6. Driving a caterpillar tractor or a vehicle with steel chains along a paved road or concrete road without appropriate protection;

7. Moving heavy or a large quantity of material by using a vehicle to haul it directly on the road surface.

Article 10 Prohibitions on Civil Servants

A state officer or civil servant that has a duty to protect and maintain main roads is prohibited from conducting the following acts:

1. Neglecting the monitoring of a contractor or a person who is hired to collect, sweep, and clean a road surface each side of the road and water drainage channels on a regular basis;
2. Neglecting the monitoring of a contractor or a person who is hired to maintain or repair a main road on a regular basis;
3. Neglecting the strict inspection and control of truck weights;
4. Allowing a person or organization to conduct any activity or act on a road surface or a preserved area of the road which causes damage to the road or the preserved area;
5. Taking bribes from a contractor or a person who is hired to inspect weight and accepting incentives for delaying the timeframe for the completion of work stipulated in a contract.

Article 11 Prohibitions on Contractors

A contractor who is hired to protect and maintain a main road is prohibited from conducting the following acts:

1. Not fully complying with the requirements of a contract;
2. Offering bribes to a state officer or civil servant who protects and maintains main roads in order to avoid being inspected in terms of weight or offering incentives for delaying the timeframe for completion of work stipulated in a contract;
3. Subcontracting assigned work to others without permission from the project owner.

CHAPTER 5

Awards for Good Performance and Measures against Violators

Article 12 Awards for Good Performance

A state officer or civil servant who actively manages, protects, and maintains a road, and a contractor or person who is hired to protect and maintain a road who perform their duties effectively, and a person or organization that contributes to such work, shall be complimented or rewarded by other policies as appropriate.

Article 13 Measures against Violators

A person or an organization that violates any provision of this Decision shall be subject to education measures, warnings, fines, a requirement for civil compensation, or penal sanctions depending on the severity of each case.

Article 14 Education and Warning Measures

A person or an organization that violates this Decision in a minor way, such as building a shop or a hut, installing a small advertising post in a preserved area of a road, or other minor offenses which are not penal offenses shall be subject to education and warning measures, and ordered to dismantle those buildings and installations.

Article 15 Disciplinary Measures

A state officer or civil servant who manages the protection and maintenance of main roads who violates this Decision in a minor way which is not a penal offense and does not cause severe damage to collective benefits, such as not paying attention to reporting their duties on a regular basis, not paying attention to the management of a preserved area of the road which results in a violation by a person or an organization, and causes difficulty in resolving the issue, shall be subject to disciplinary measures in accordance with laws and regulations, such as warning, suspension of promotion, or dismissal in case of more severe offenses.

Article 16 Fine Measures

A person or organization that violates this Decision which causes damage to a road shall be fined in accordance with applicable laws and regulations for the following actions:

- Causing damage or loss to a structure, a component, or a protection feature of a road, such as a road surface, a bridge, an embankment, a traffic sign, a signal system, a lighting system, a road island, a protection aspect of the road or other traffic facilities;
- Transporting goods or items along a road using a truck heavier than that permitted in applicable laws and regulations;
- Driving a caterpillar tractor or a vehicle with steel chains or a heavy machine along a pavement road or concrete road without any appropriate protection;
- Moving heavy or a large quantity of material by using a vehicle to haul it directly on the road surface.
- Fouling the road.

Those not fully complying with a contract agreement for the protection and maintenance of main roads shall be fined in accordance with such agreement.

Article 17 Civil Measures

A person or an organization that violates this Decision which causes damage to the road shall be required to provide civil compensation. The violations include:

- Digging land at each side of a road or a road surface; filling land and blocking water drainage; placing items to block water drainage; digging, excavating, or scooping soil, rock, or other materials in a preserved area of the road which causes damage to the structure of the road or preserved area of road or its components;
- Other acts that cause damage to the road.

Article 18 Penal Measures

A person that violates this Decision in a manner which is a penal offense shall be sanctioned in accordance with the Penal Law. The violation includes:

- A state officer or a civil servant who has the duty to protect and maintain main roads and does not perform their assigned duty or performs the duty without attention; action which causes the protection and maintenance of a road not to meet technical requirements and standards; taking bribes from a contractor in inspecting weight; and accepting an incentive for delaying the completion of work as stipulated in a contract;
- A contractor or a hire that offers bribes to a state officer or civil servant who protects and maintains main roads for the aforementioned purposes;
- A person who willfully destroys, ruins, or damages the structure or a component of the road or preserved area of the road.

CHAPTER 6

Final Provisions

Article 19 Implementation

The Roads Department, Provincial and Capital Divisions of Public Works and Transport, and District and Municipal Offices of Public Works and Transport have duties to strictly implement this Decision.

The Roads Department is assigned to issue a necessary additional instruction to ensure effective implementation of this Decision.

Article 20 Effectiveness

This Decision is effective from the date of signature. Any decisions, provisions, or regulations that conflict with this Decision shall be canceled.

Minister of Public Works and Transport

[Signature and seal]

Sommad PHOLSENA