



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office

No. 12/PO

DECREE
of the
PRESIDENT
of the

LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Law on Public Roads

Pursuant to Chapter 5, Article 53, point 1 of the Constitution of the Lao People's Democratic Republic;

Pursuant to Resolution No. 04-99/NA, dated 3 April 1999, of the 3rd Session of the fourth legislature of the National Assembly, regarding the adoption of the Law on Public Roads; and

Pursuant to Proposal No. 06/NASC, dated 6 April 1999, of the National Assembly Standing Committee.

**The President of the Lao People's Democratic Republic
Decrees That:**

Article 1. The Law on Public Roads is hereby promulgated.

Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 26 April 1999
The President of the Lao People's
Democratic Republic

[Seal and Signature]

Khamtai SIPHANDON



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 04/99/NA
3 April 1999

LAW ON PUBLIC ROADS

Part I General Provisions

Article 1. Function of the Law on Public Roads

The Law on Public Roads has the function to define principles, regulations and measures relating to the management, use, planning, survey, design, construction and maintenance of public roads, including ensuring safety and environmental protection, to ensure smooth traffic in all seasons between provinces, and between urban [areas] and rural or remote areas, in order to contribute importantly to socio-economic development, to support the defence and security of the county and to establish the basis for integrating the national economy with other countries in the region.

Article 2. Meaning of Road

Road means the strip of land that is constructed to support traffic, including the road framework, road appurtenances and road delimitation area.

Road framework

Road framework comprises the road structure, the road slope, culverts, ditches for drainage channels, anti-erosion walls, bridges, tunnels, ferry boat docks, ferry boats, parking areas and other structures that are constructed under and above the road.

Road appurtenances

Road appurtenances comprise traffic signs, traffic lights, the road lighting system and others¹.

¹ The term "and others" is a literal translation and is not subject to further specificity.

Road delimitation area

Road delimitation area refers to the strips of land along both sides of the road that are reserved for the extension of the road or for road safety activities.

Road safety activities

Road safety activities refers to activities, such as planting trees, erecting walls, and others, that aim at preventing accidents, erosion and pollution from smoke, colour, light and noise.

Article 3. Promotion of Road Development

It is the policy of the State to promote all economic sectors within and outside the country to engage in the construction, repair and maintenance of roads by reducing or exempting taxes and duties as stipulated in the Law on the Promotion of Domestic Investment and the Law on the Promotion and Management of Foreign Investment in the Lao PDR².

In order to ensure traffic in all seasons, the State authorises the establishment of a road development fund.

Article 4. Obligations of Public Road Users

Persons and organisations that use public roads have the obligation to contribute to the construction, repair and maintenance of public roads, including [the obligation to contribute to] safety, traffic order, cleanliness, beauty and environmental [protection].

The use of public roads shall be in strict compliance with traffic regulations, such as: weight carried, speed and others.

Part II

Public Roads and Public Road Activities

Chapter 1

Public Roads

Article 5. Public Roads

Public roads refers to the road system that is the property of the national community constructed for the interests of the people and for internal and international traffic.

² Since 2004, this law has been amended and re-titled the Law on the Promotion of Foreign Investment in the Lao People's Democratic Republic.

Public roads in the Lao People's Democratic Republic are divided into 6 classes, namely:

1. National public roads;
2. Public roads in provinces, prefectures and special zones;
3. District public roads;
4. Municipal roads;
5. Rural roads;
6. Specific roads.

Article 6. National Public Roads

National public road refers to a strategic road that serves the interests of the nation and [the interests] between nations, and includes:

1. Roads connecting the capital to municipalities within provinces and special zone districts;
2. Roads to international borders;
3. Roads having socio-economic importance and importance with regard to national defence and security.

Article 7. Public Roads in Provinces, Prefectures and Special Zones

Public roads in provinces, prefectures and special zones refers to roads that are important for economic, political and socio-cultural development and for national defence and security at the provincial or special zone level, including:

1. Roads between provinces or from a province to a special zone;
2. Roads connecting municipalities within a province or special zone district to municipalities within districts, ports, tourism places and important historic sites within the province or special zone.

Article 8. District Public Roads

District public roads refers to roads that are important for economic, political, and socio-cultural development, and for national defence and security at the district level, including:

1. Roads between districts;
2. Roads connecting municipalities within a district to villages, ports, tourism places, historic sites and special economic zones within the district.

Article 9. Municipal Roads

Municipal roads refers to a system of roads used for traffic within a municipal area.

Article 10. Rural Roads

Rural roads refers to roads connecting villages to villages and villages to various production and service centres within villages.

Article 11. Specific Roads

Specific roads refers to roads used specifically for the production and service of a sector, for national defence and security and for protected forest areas.

**Chapter 2
Public Road Activities**

Article 12. Public Road Activities

Public road activities refers to the implementation of activities with regard to public roads, which includes planning, survey, design, construction, maintenance, repair, control and use of public roads.

Article 13. Public Road Planning

Public road planning refers to the study and collection of data in order to establish plans for the development of various public roads as defined in Article 5 of this law.

Article 14. Survey and Design of Public Roads

Survey of public roads refers to the collection of detailed data on environmental conditions in order to establish feasibility studies, make an assessment of the effectiveness [of the proposed road] and prepare for design.

Design of public roads refers to the establishment of a detailed plan in compliance with technical standards based on the data analysis furnished by the survey, and comprising drawings, cost evaluation and time for completion of construction.

Article 15. Public Road Construction

Public road construction refers to the building of various public roads as defined in Article 5 of this law. The public road contractor shall perform the work in accordance with design documents, and shall ensure quality, safety and environmental protection.

Article 16. Maintenance and Repair of Public Roads

Maintenance of public roads means to follow up, control, and check on the conditions of public roads in order to provide regular maintenance, such as: grass cutting, road surface cleaning, sewage draining, and cleaning of bridges and other road appurtenances.

Repair of public roads means to maintain, repair and reinstate damaged roads in compliance with the design, including routine repairs, periodic repairs and urgent repairs.

**Part III
Management and Use of Land, and Road Limits**

**Chapter 1
Management and Use of Land for Public Road Activities**

Article 17. Management and Use of Land

The Ministry of Communication, Transport, Post and Construction is the authority to manage and use the land for public road activities as stipulated in the Land Law.

Article 18. Material Resources for Public Road Activities

The Ministry of Communication, Transport, Post and Construction is the authority to manage and use material resources for public road activities, such as: soil, stone, gravel, sand and other types of construction materials at locations that have been surveyed and the exploitation of which has been authorised by the government.

Article 19. Compensation for Land Acquired for Public Road Activities

If, in the construction of various kinds of public roads, it is necessary to use land that is legally owned by a private person or by an organisation, the owner of the expropriated land used for public road construction shall receive reasonable compensation.

**Chapter 2
Road Limits**

Article 20. Road Limits

Road limit refers to the total area of the road, which includes the road surface, the road shoulder, footpaths, drainage channels, the road slope and the delimitation area for public roads.

The width of the road limit for each kind of public road is as follows:

1. National public road: 25 meters on each side, measured from the centre line of the road;
2. Provincial public road: 15 meters on each side, measured from the centre line of the road;
3. District public road: 10 meters on each side, measured from the centre line of the road;
4. Rural road: 5 meters on each side, measured from the centre line of the road;
5. Municipal road: in compliance with the master urban plan;
6. Specific road: in compliance with technical standards specifically imposed for such road.

Technical standards for each kind of public road are defined by the Ministry of Communication, Transport, Post and Construction.

Article 21. Delimitation Area for Public Roads

No construction is permitted in the delimitation area. In the case of necessity, the construction must be authorised by the public road management authority.

Article 22. Safety-Limit Area of Public Roads

The safety-limit area of a public road refers to the area situated within the safety limits of such public road and includes: the road shoulder, footpaths, the area visible when approaching a curve, road junction areas, areas leading to a bridge, the ends of pipes, the road slope, anti-erosion walls, drainage channel islets in the middle of the road, zebra-crossings, and bus stations. It is prohibited to carry out any activity or place any thing within the safety-limit area of public roads.

**Part IV
Public Road Fees and Service Charges**

Article 23. Public Road Fees and Service Charges

Public road fees and service charges refers to the income from public road activities and use, such as: fees for registration, fees for copyright, road tolls, ferry-boat tolls, bridge tolls, and others.

Article 24. Collection of Fees and Service Charges for Public Roads

The Ministry of Finance in cooperation with the Ministry of Communication, Transport, Post and Construction studies the rates of road fees and service charges and submits them to the government for approval.

Part V
**Establishment of Road Construction Enterprises,
Consulting Enterprises and Association of Road Engineers**

Chapter 1
**Establishment of Road Construction Enterprises
and Consulting Enterprises**

Article 25. Establishment of Road Construction Enterprises

A road construction enterprise is a business unit established for carrying out activities in road construction and repair.

An individual or organisation that intends to establish a road construction enterprise shall meet the following conditions:

1. Be an engineer or have technical staff with engineering capability in public road activities, [in each case] having at least 3 years' experience;
2. Have capital as prescribed in regulations;
3. Have at least one set of machinery;
4. Have technicians in the field of road construction and mechanics.

Article 26. Road Consulting Enterprises

A road consulting enterprise is a business unit established to carry out the planning, survey, design, monitoring and control of construction and the provision of advice to the owner of the road construction project.

An individual or organisation that intends to establish a road consulting enterprise shall meet the following conditions:

1. Be a road and bridge engineer who has skills and engineering capability in public road activities and has at least 7 years' experience;
2. Have technical staff with at least 5 years' experience;
3. Have capital as prescribed in regulations;
4. Have an office, equipment, tools and vehicles as prescribed in regulations.

Article 27. Association of Road Engineers

For the efficient management of road construction and for good order, the State authorises the establishment of an Association of Road Engineers in compliance with the regulations of the Ministry of Communication, Transport, Post and Construction.

Chapter 2
Establishment, Registration and Principles Governing the
Operations of Public Road Construction Enterprises

Article 28. Enterprise Establishment and Registration

The establishment and registration of public road construction enterprises and public road engineering consulting enterprises shall be in compliance with the Business Law³ and the Law on Promotion of Domestic Investment.

Regarding foreign investment, the Law on Promotion and Management of Foreign Investment in the Lao People's Democratic Republic shall apply.

Article 29. Principles Governing Public Road Activities

Public road activities shall comply with this law and the following basic principles:

1. There shall be selection of companies;
2. There shall be bidding;
3. There shall be comparison of prices;
4. [Activities shall be on the basis of] turn key [contracts];
5. There shall be a project owner;
6. There shall be a consulting enterprise;
7. There shall be control;
8. There shall be construction quality assurance.

Any subcontracting work shall be approved by the owner of the project.

Part VI
Public Road Management and Inspection Authority

Chapter 1
Authority Responsible for Managing Public Roads

Article 30. Authority Responsible for Managing Public Roads

The authority responsible for managing public roads comprises:

1. The Ministry of Communication, Transport, Post and Construction;
2. The communication, transport, post and construction division at each province, prefecture and special zone;
3. The communication, transport, post and construction office at each district and municipality;
4. Village administrative authorities.

³ This is a reference to an older law which has since been replaced by the 2005 Enterprise Law.

Article 31. Rights and Duties of the Ministry of Communication, Transport, Post and Construction

The Ministry of Communication, Transport, Post and Construction has the following rights and duties:

1. To develop the strategic plan and long-, medium- and short-term plans relating to the development of the public road network;
2. To issue regulations on the organisation, management, control, planning, survey, design, construction, maintenance, repair and use of public roads throughout the country;
3. To define the technical standards for different kinds of public roads;
4. To study policies and rates of fees relating to road construction and maintenance and then to submit to the government for consideration;
5. To administer public road statistics;
6. To maintain international relations and cooperation for the development of the public road network;
7. To exercise such other rights and perform such other duties relating to road activities as assigned by the government.

Article 32. Rights and Duties of the Communication, Transport, Post and Construction Division at each Province, Prefecture and Special Zone

The communication, transport, post and construction division at each provincial, prefecture or special zone has the following rights and duties:

1. To elaborate on the strategic plan and the public road network development plan under its responsibility;
2. To authorise and manage public road construction enterprises and [public road] consulting enterprises operating within its jurisdiction;
3. To administer statistics and regularly report on the status of public roads under its responsibility to the Ministry of Communication, Transport, Post and Construction;
4. To exercise such other rights and perform such other duties relating to public road activities as assigned by the Ministry of Communication, Transport, Post and Construction.

Article 33. Rights and Duties of Communication, Transport, Post and Construction Office at each District and Municipality

The communication, transport, post and construction office at each district or municipality has the following rights and duties:

1. To encourage and monitor the construction, maintenance and repair of public roads under its responsibility;

2. To manage public roads within the district or municipality under its responsibility;
3. To administer statistics and regularly report on the status of public roads under its responsibility to the communication, transport, post and construction division at the [relevant] province, prefecture or special zone;
4. To exercise such other rights and perform such other duties as assigned by the communication, transport, post and construction division at the [relevant] province, prefecture or special zone.

Article 34. Rights and Duties of Villages Administrative Authorities

Each village administrative authority has the following rights and duties:

1. To manage and regularly report on the status of public roads within the village under its responsibility to the communication, transport, post and construction office of the [relevant] district or municipality;
2. To encourage the population to contribute to the construction, maintenance and repair of public roads within the village;
3. To coordinate with neighbouring villages to share the responsibility for public road maintenance;
4. To exercise such other rights and perform such other duties as assigned by the communication, transport, post and construction office of the [relevant] district or municipality.

Chapter 2
Inspection⁴ of Public Road Activities

Article 35. Inspection of Public Road Activities

Inspection of public road activities refers to inspecting the orderliness in the management and use of public roads, inspecting the implementation of public road construction, maintenance, and repair, and inspecting technical systems and the costs of public road activities.

⁴ In the Lao language, the same word is used to represent all of the following related (but slightly different) concepts: “control”, “inspection”, “supervision”, “audit” and “monitoring”. The translators have chosen “inspection” (and its variants) as the most appropriate English equivalent but readers should note and bear in mind the other meanings that might have been intended.

Article 36. Public Road Inspection Authority

The authority responsible for the inspection of public roads is the same as the authority with the duty to inspect⁵ public road activities as stipulated in Article 35 of this law.⁶

In the execution of such duties, the Ministry of Communication, Transport, Post and Construction is to set up an inspection committee.

Article 37. Contents of Inspection

The inspection of public road activities has the following contents:

1. Inspection of the planning, survey, design and construction;
2. Inspection of the standards to ensure safety in public road activities;
3. Inspection of environmental protection in public road activities;
4. Inspection of compliance with technical and financial standards in public road activities;
5. Inspection of the bidding, contracts, project owners and contractors in public road activities;
6. Inspection of the use, maintenance and repair of public roads.

Article 38. Types of Inspection

There are 3 types of inspection of public road activities, as follow:

1. Regular inspection;
2. Inspection by advance notice;
3. Emergency inspection.

**Part VII
Policies Towards Persons with Outstanding Achievement
and Measures Against Violators⁷**

Article 39. Policies Towards Persons with Outstanding Achievement

Any person or organisation whose participation in public road activities is efficient, creative, of high quality, or ensures safety or sound environmental protection shall be rewarded and shall be granted other policies as appropriate.

⁵ The translators are aware that the sentence is circular in its logic.

⁶ The translators are aware that Article 35 does not stipulate any authority.

⁷ The term “policies” is often used as an indirect way of referring to “incentives” or “privileges” and the term “measures” is often used as an indirect way of referring to “sanctions”.

Article 40. Measures Against Violators

Any person or organisation that breaches this law, causing damage to the public, the environment, or the property, health or life of any other person, shall be subject to re-education, fines or criminal sanction, depending on the seriousness of the offence, including having to compensate for damage caused by it.

Article 41. Re-Education⁸ Measures

Any person or organisation committing a minor offence under this law, such as: infringement of regulations relating to public road activities or the maintenance and use of public roads that causes damage to public or private property but does not involve any serious consequences, shall be re-educated, warned and required to compensate for damage caused by it.

Article 42. Fines

Any person or organisation breaching this law by committing the acts [in the following sentence] shall be fined and shall compensate for damage caused by it. [Such acts are]: infringement of regulations relating to public road activities, to the maintenance, repair, and use of public roads, and to the displacement of road appurtenances, [in each case] causing damage to the structure, safety and delimitation area of a public road; [and] infringement of regulations relating to business registration and operation, and infringement of construction principles, [in each case] causing damage to public or private property.

Article 43. Criminal Sanctions

Any person breaching any provision of this law, such as: serious violation of principles relating to public road activities, or to the maintenance, repair, or use of public roads; destruction of road appurtenances, road structures, delimitation areas, or safety-limit areas; falsification of registration and business documents; violation of construction principles causing damage to the public, or to the life, health or property of other persons; and abuse of position for personal interest; shall be subject to criminal prosecution and shall compensate for damage caused by him.

Article 44. Supplementary Punishments

In addition to the main punishments specified in Articles 42 and 43 of this law, the offender shall also be subject to supplementary punishments, such as: suspension of activities or withdrawal of business license.

⁸ Here, “re-education” does not mean the same as “re-education without deprivation of liberty” referred to in the Penal Law.

Part VIII
Final Provisions

Article 45. Implementation

The government of the Lao People's Democratic Republic is to implement this law.

Article 46. Effectiveness

This law shall come into effect after 90 days from the date of the promulgating decree issued by the President of the Lao People's Democratic Republic.

Provisions and regulations that contradict this law are null and void.

Vientiane, 3 April 1999
President of the National Assembly

[Seal and Signature]

Samane VIGNAKET