

Highway Law of the People's Republic of China (2004 Revision)

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Chapter I General Provisions

Article 1 The law is enacted with a view to strengthening the construction and management and stimulating the development of highways so as to suit the need of socialist modernization construction and people's life.

Article 2 The law is applicable to the planning, construction, maintenance, operation, use and management of highways inside the territory of the People's Republic of China.

The word "highways" as referred in this law includes facilities such as bridges, tunnels and ferries for the highways.

Article 3 The development of highways shall follow the principles of overall planning, rational distribution, quality guarantee, clearance of obstructions, environment protection and equal stress to construction, renovation and maintenance.

Article 4 The People's Governments at all levels shall adopt effective measures to support and boost the construction of highways.

The construction of highways shall be incorporated into the national economic and social development plans.

The State encourages and guides domestic and foreign economic organizations to invest in the construction and operation of highways according to law.

Article 5 The State shall help and support areas of minority nationalities, remote and border areas and impoverished areas to develop highways.

Article 6 Highways shall be divided, according to their positions in the networks, into State roads, provincial roads, county roads and township roads and, technically into expressways, first class roads, second class roads, third class roads and fourth class roads. The specific standards for the division shall be worked out by the State Council department in charge of transportation.

New roads should conform to technical standards in grading. The existing roads that fail to meet the minimum technical grading standards should be transformed step by step according to the set standards.

Article 7 Highway roads are subject to the protection by the State. No unit or

individual is allowed to damage or destroy highways, land or ancillary facilities for highways or illegally put them into one's own use.

Any unit or individual is obliged to protect highways and lands or ancillary facilities for highways and has the right to report or indict acts of damaging or destroying highways, lands or ancillary facilities for highways, or acts affecting road safety.

Article 8 Department under the State Council in charge of transportation shall be responsible for the administration of highways throughout the country.

Transportation departments of local People's Governments at and above the county level shall be responsible for the administration of highways within their respective administrative areas; but the functions and responsibilities of transportation departments of local People's Governments at and above the county level for the administration and supervision of State roads and provincial roads shall be fixed by respective provincial, autonomous regional or municipal People's Governments.

People's Governments of townships, townships of minority nationalities areas and towns shall be responsible for the construction and maintenance of township roads within their respective administrative areas.

Transportation departments of local People's Governments at and above the county level may decide to entrust road management organizations to exercise the duties of highway administration according to the provisions of this law.

Article 9 It is forbidden for any unit or individual to set up check posts, collect fees, impose fines or intercept vehicles on highways.

Article 10 The State encourages scientific research in terms of highways and reward units and individuals that have made significant achievements on scientific and technical research and application in terms of highways.

Article 11 Provisions concerning special roads in this law apply to special roads.

Special highway roads refer to those built, maintained, managed by enterprises or other units exclusively or mainly for their own respective uses.

Chapter II Highway Planning

Article 12 Highway planning shall be made in the light of the needs of the national economic and social development and national defense and also in coordination with urban construction and development plans and the development of other traffic means.

Article 13 Plans for requisition of lands for constructing roads shall conform to the overall planning for land use and the land to be used for such purposes shall be incorporated into the general land use plan of the year.

Article 14 Plans with respect to State roads shall be formulated by the transportation department under the State Council together with other related departments under the State Council and the People's Governments of provinces, autonomous regions and municipalities along the lines and submitted to the State Council for approval.

Plans in respect to provincial roads shall be formulated by the transportation departments of People's Governments of provinces, autonomous regions and municipalities together with the People's Governments of a lower level along the lines and submitted to the People's Governments of the respective provinces, autonomous regions and municipalities for approval and to the transportation department under the State Council for record filing purposes.

Plans with respect to county roads shall be formulated by the transportation departments of the People's Governments at the county level together with related departments at the same level and submitted to the people's governments of the

same level for examination and to the People's Governments of the next higher level for approval.

Plans with respect to township roads shall be formulated by the people's governments of township, townships inhabited by people of minority nationalities and towns with the assistance of the transportation departments of the people's governments at the county level and submitted to the people's governments at the county level for approval.

Plans with respect to county roads and township roads to be approved according to the provisions of paragraph three and paragraph four of this article shall be submitted to the transportation departments of the people's governments at the next higher level for the record.

Plans with respect to provincial roads should be in harmony with plans of State roads; plans of county roads shall be coordinated with plans of provincial roads; and plans of township roads shall be coordinated with plans of county roads.

Article 15 Plans of special roads shall be formulated by units in charge of special roads and, after being examined by departments in charge at the next higher level, be submitted to the transportation departments of the People's Governments at and above the county level for approval.

Plans of special roads shall be coordinated with highway planning. Transportation departments of the people's governments at and above the county level shall put forward proposals for revision should they find the plans of special roads in disagreement with plans of State roads, provincial roads, county roads and township roads and the departments and units in charge of the special roads shall make revisions accordingly.

Article 16 Partial adjustments of State road plans shall be determined by the original organ of formulation. For major revisions of State road plans, the original organ of formulation shall put forward revision plans and submit them to the State Council for approval.

If plans for provincial roads, county roads and township roads already approved need revising, the original organ of formulation shall put forward revision proposals and submit them to the original organ of approval for re-approval.

Article 17 Names and indexes of State roads shall be set by the transportation department under the State Council. Names and indexes of provincial, county and township roads shall be set by the transportation departments of the People's Governments of provinces, autonomous regions and municipalities according to the relevant provisions of the transportation department of the State Council.

Article 18 New villages and towns and development zones should be planned and built at prescribed distances from highways and absolutely not to have any highway running across to avoid using highways as part of streets to impede the safety and smooth operations of the highways.

Article 19 The State encourages special roads to be used for public traffic. If a special road is turned to public use, it shall be made part of provincial, county or township roads at the request of units in charge of the special roads or related departments and with the consent of the units in charge of special roads and the approval of the transportation departments of the People's Governments of provinces, autonomous regions and municipalities.

Chapter III Construction of Highways

Article 20 The departments of transportation administration of the People's Governments at and above the county level should, according to their respective

duties, safeguard the order and strengthen supervision and control of highway roads construction.

Article 21 In raising funds for highway construction, the People's Government at all levels may, in addition to appropriations made by the People's Government at all levels, can collect special charges for road construction or solicit loans from domestic and foreign financial organizations or foreign governments according to law and relevant provisions of the State Council on their own decisions.

The State encourages investments for highway construction by domestic and foreign organizations. Companies which engage in development and/or management of highways may, according to law and administrative regulations, raise funds by means of issuance of stocks or corporate bonds.

Incomes from the transfer of rights for collection of toll from highways according to the provisions of this law should be used for construction of highways. Raising funds for highway roads construction from enterprises or individuals should be undertaken under the principle of free will and in accordance with true needs and possibilities and relevant regulations of the State Council. No forcible apportioning is permitted.

Other means permitted by law or relevant regulations of the State Council can also be used in raising funds for highways construction.

Article 22 Highway construction should be undertaken in accordance with procedures for infrastructural construction as provided for by the State and other related regulations.

Article 23 Systems of legal person responsibility, public bidding and project supervision should be introduced in projects of highway construction according to the relevant regulations of the State.

Article 24 Units undertaking highway roads construction should, according to the characteristics and technical requirements of the projects, choose qualified survey and designing units, construction units and projects supervisors and sign contracts with them to clearly define respective rights and obligations of both sides in accordance with provisions of related laws, regulations and rules and the requirements of the road engineering and technical standards.

Units undertaking feasibility studies, survey and designing, construction, project supervision for highway roads construction projects must be accommodated with qualification certificates issued by the State.

Article 25 Undertakings of highway construction should be reported to the transportation departments of local people's governments above the county level for approval in accordance with the provisions of transportation department under the State Council.

Article 26 Highway construction shall be undertaken strictly in conformance with prescribed technical standards of highway construction.

Entities of designing, construction and project supervision of highway construction projects should establish capable Q/C systems and strictly carry out the job responsibility system in accordance with related laws of the country and undertake to design, construct and supervise the projects according to the requirements of related laws, regulations and rules and highway engineering technical standards and the terms agreed upon in the contracts in order to ensure the quality of construction.

Article 27 The use of land for constructing highway roads shall be handled according to relevant laws and administrative regulations

Highway construction should follow the principle of farmland protection and economical use of land.

Article 28 No unit or individual is allowed to intrude or collect fees illegally

for the use of State owned waste hills, wasteland or for the digging of sand, stone or earth from the State owned waste hills, wasteland, river beds and beach lands for highway construction only if necessary procedures as provided for by related laws and administrative regulations have been undertaken for the respective actions.

Article 29 Local People's Governments at all levels should provide necessary support and assistance to the lawful use of land and resettlement of people for construction of highway roads.

Article 30 Design and work of highway construction should be done in conformance with requirements of the protection of environment, historical relics and sites and the prevention of water loss and soil erosion.

Highway construction projects planned to adapt to the requirements of national defense should be undertaken strictly according to the plans so as to meet the needs of national defense in transportation.

Article 31 Should road construction project affect the normal operation of railways, water conservancy, power, postal and telecommunications and other facilities, the unit for the construction should convey prior agreements form related units. If the construction of road has caused damages to the afore-said facilities, the unit responsible for carrying out the construction should undertake to give a remedy to the facilities affected to help restore their technical standards to no lower than the originals or give them corresponding economic compensations.

Article 32 In the reconstruction of highway roads, construction units concerned should post signs at both ends of the section under reconstruction. If the reconstruction requires vehicles to bypass, signs should be posted at the entry of the road to indicate the way to bypass and on condition that there is no way for bypassing the section, a temporary road should be built by the construction unit concerned to facilitate the passage of vehicles and pedestrians.

Article 33 Upon completion, highway roads construction and repairing projects are subject to procedures of examination and acceptance according to relevant regulations of the State. Those projects that have not been examined or have been found unqualified for acceptance shall not be put to use.

Clear signs and lines should be created for completed highway roads according to the regulations of the transportation under the State Council.

Article 34 Local People's Governments above the county level should allocate land on the roadside within 1 meter width from the outer edges of the side ditches (aqueducts and road protection channel, the same below) on both sides of a road for the use of the related highway.

Chapter IV Maintenance of Highway Roads

Article 35 Related administrative departments of highways should undertake to maintain highway roads according to the technical standards and operational procedures as prescribed by the transportation department under the State Council to ensure the roads are in a good technical state.

Article 36 Expenses for highway maintenance should be acquired through the collection of fuel oil surcharge paid by units and individuals in purchase of fuel oil according to the relevant provisions by the State.

In cases where fuel oil surcharge is collected, no more road maintenance fees shall be collected. Specific procedures and steps shall be formulated by the State Council for the purpose.

Before the enforcement of collection of fuel oil surcharges, the existing road maintenance fee collection regulations shall remain in force.

Road maintenance fees should be used for maintaining and reconstructing highway roads. Receipts shall be given by departments in charge of transportation to units and individuals that have paid road maintenance fees. Receipts of road maintenance fee should be attached to a place of clear sight on the vehicles. Vehicles bearing no such receipts of road maintenance fees are not allowed to run on the roads.

Article 37 People's Governments at the county and township levels should give support and assistance in the fetch of sand, stone, earth or water for road maintenance.

Article 38 People's Governments at the county and township levels should organize free services of rural residents on both sides of roads for highway construction and maintenance according to the related regulations of the State.

Article 39 To ensure the personal safety of road maintenance personnel, road-maintaining personnel should wear safety uniforms when maintaining roads. Vehicles used in road maintenance should bear obvious signs indicating that there is road maintenance going on.

During road maintenance, vehicles shall not be subject to the restrictions of road signs and road marks in route and direction under the condition that other vehicles passing by are not affected. Other vehicles running along the road should give way to road maintenance vehicles and personnel.

If road maintenance operation affects the passage of vehicles and pedestrians, the provisions of Article 32 of this law shall apply.

Article 40 When State highways and provincial roads are interrupted due to serious natural disasters, related highway administrative departments should give timely repair. Should there be any difficulties for the related highway administration to undertake repair in time, local

People's Governments above the county level should lose no time to organize local government institutions, people's organizations, enterprises and urban and rural residents for rush repairs. They may also ask for assistance from local army so as to restore the operation of the roads as soon as possible.

Article 41 Highway administrative departments are responsible for soil and water preservation on hill slopes and wasteland at both sides of highways.

Article 42 Highway administration departments shall organize greening of highway roads according to the road engineering technical standards.

Trees at both sides of highways should not be felled without authorization. Required regenerative felling should go through prescribed examination and approval procedures to get the consent of transportation departments of local people's governments above the country level and re-planting should be undertaken.

Chapter V Road Administration

Article 43 Appropriate measures should be undertaken by local people's governments at all levels to strengthen the protection of the roads.

Departments in charge of transportation of local People's Governments above the county level should work conscientiously to protect highways according to law and strive to improve road management by employing scientific methods and advanced technologies, gradually improve facilities for the road services and ensure good condition, safety, and smooth traffic of the roads.

Article 44 Without authorization, no unit or individual is allowed to occupy or dig the roads for their own uses.

If the construction of railways, airports, power plants, telecommunications facilities, water conservancy projects and other constructions projects needs to

occupy, dig or change the route of roads, prior consents should be obtained by construction unit concerned from related departments in charge of transportation. If transport safety would also be affected, approval from the related public security organs should also be sought. After occupying, digging or changing the routes of roads, construction units concerned should repair or rebuild them at least up to their original technical standards or give corresponding economic compensations.

Article 45 Building of bridges and/or aqueducts or putting up or laying pipelines across over, at or under the roads or erecting or laying pipelines, cables and other facilities in land for roads, prior consent should be sought from related departments in charge of transportation. If transport safety would also be affected, prior consent from the related public security organs should also be sought.

Facilities being built, erected or laid should conform to technical standards for road engineering. Damages caused to the roads by such undertaking should be compensated for according to the seriousness of the cases.

Article 46 No unit or individual is allowed to put up stands or stalls, store things, dump refuse, put up obstructions, dig ditches to divert water, or use roadside ditches to discharge waste matters on highway roads or land for the roads or carry out any other activities that would result in damages or pollution to the roads or affect the traffic of the roads.

Article 47 No sand collection, stone quarrying, earth digging or waste dumping, explosive operations or other activities threatening the safety of roads, road bridges, road tunnels and road ferries is allowed within a perimeter of 200 meters of large and medium-sized road bridges or ferries and within a perimeter of 100 meters above road tunnels or outside the mouths of road tunnels and within a certain distance on both sides of the roads.

Building of dams, narrowing or widening of river beds for the purpose of rescue operations and flood prevention in the areas mentioned in the preceding paragraph should get prior approval from transportation departments of the People's Governments of respective provinces, autonomous regions and municipalities and related water resources administrative departments, and effective measures should be carried out to protect the related roads, road bridges, road tunnels and road ferries.

Article 48 Except short crossing by farm machineries to perform necessary operation in fields, iron-wheel carts, caterpillar vehicles and other machines and tools that might damage road surface are not allowed to run on the roads. If the running of such vehicles is needed, prior approval should be sought from transportation departments of the local people's governments above the county level and effective measures should be adopted to protect road surface and the running can only be carried out at the time and along the routes designated by the related public security organs. Damages to the roads should be compensated for according to the seriousness of cases.

Article 49 The axle-load mass of vehicles running on roads should conform to the technical standards for road engineering.

Article 50 The vehicles that exceed the limit of load, height, width or length of roads, road bridges, road tunnels or auto ferries are not allowed to run on such roads, road bridges or in such road tunnel or use such auto ferries. If it is actually necessary for a vehicle to exceed the load limit for a road or road bridge, it shall be subject to approval of the competent transportation department of local people's government at or above the county level and shall adopt effective safety measures as required. If the goods carried by the vehicle exceed the prescribed limits and can't be divided into different parts, the

vehicle should run at the specified time, along a specified route and at a specified speed and shall carry an obvious sign

If the transport unit concerned is incapable of carrying out the protective measures prescribed in the preceding paragraph, transportation departments in charge should assist in action with costs of the actions being borne by the transport unit concerned.

Article 51 Highway roads are not permitted to be used by motor vehicle manufacturers and other units as a testing ground for braking functions of motor vehicles.

Article 52 No unit or individual is allowed to damage or move or alter ancillary facilities of roads.

Ancillary facilities of roads mentioned in the preceding paragraph refer to facilities, equipment and special buildings or structures for road protection, water discharge, maintenance, management, services, traffic safety, ferrying, monitoring and control, telecommunications and fee collection for the purpose of protecting, maintaining and ensuring traffic safety of roads.

Article 53 Those who have caused damages to roads should timely report the cases concerned to and accept on-the-spot investigations by road administrative organizations.

Article 54 No unit or individual is allowed to erect signs other than road signs within the land for roads without the approval of the transportation departments of local people's governments above the county level.

Article 55 The addition of road crossings should get prior approval according to the related regulations of the State and the crossings should be built according to the State-prescribed standards.

Article 56 Except required by road protection and maintenance, it is forbidden to construct buildings or ground structures within the control areas on either side of roads. If it is necessary to lay pipelines or cables or other facilities within the control areas of roads, prior approvals of the transportation departments of local people's governments above the county level should be sought.

The control area for construction mentioned in the preceding paragraph should be demarcated by the local People's Governments above the county level according to the principle of ensuring traffic safety and economical use of land and the provisions of the State Council.

After the control area for construction has been demarcated by the local people's governments above the county level, the transportation departments of local People's Governments above the county level should put up signs and/or boundary markers. No unit or individual is allowed to damage or move such signs or boundary markers without authorization.

Article 57 Except the provisions of the second paragraph of Article 47 of this law, the road administration functions exercised by the transportation departments prescribed by this chapter should be exercised by road management organizations according to the provisions of Paragraph 4 of Article 8 of this law.

Chapter VI Toll Highways

Article 58 The State allows the opening of toll highways according to law and the number of toll highways shall be controlled.

Except highway roads that may collect tolls as prescribed by the provisions of Article 59 of this law, no other roads are allowed to collect tolls.

Article 59 Collection of tolls is allowed according to law for the following roads

that conform to the technical grading and size prescribed by the transportation departments under the State Council:

1 Roads built by transportation departments of local People's Governments above the county level on loans or funds raised from enterprises and individuals;

2 Roads of domestic or foreign economic organizations that have got the right to collect tolls according to law;

3 Roads built with investment from domestic or foreign economic organizations according to law.

Article 60 Terms of collection of tolls of roads built by transportation departments of local people's governments above the county level with loans or funds raised should be determined by the people's governments of respective provinces, autonomous regions and municipalities according to the principle of return of the loans or funds raised through collection of tolls in line with the provisions of the transportation department under the State Council.

After a transfer of the right of toll collection, the toll road concerned should be operated by the side to which the toll collection right is transferred. Terms transfer of collection right should be agreed upon by the transferor and the transferee and submitted to organ which approves the transfer for approval, but the term shall not exceed the time limit set by the State Council.

Joint construction of roads by domestic and foreign economic organizations should go through the examination and approval procedures according to the relevant regulations of the State. After completion, the roads shall be managed and the tolls shall be collected by the investors. Terms for toll collection should be agreed upon by related transportation departments and investors according to the principle of "return of investment with reasonable profits" and submitted for examination and approval according to the relevant regulations of the State, but the time limit shall not exceed that set by the State Council.

Article 61 The transfer of toll collection right of State roads as prescribed in Item 1 of Paragraph 1 of Article 59 shall be approved by the transportation department under the State council. The transfer of toll collection right for other roads shall be approved by the people's governments of respective provinces, autonomous regions and municipalities and submitted to the transportation department under the State Council for a record-filing purpose.

Minimum prices for the transfer of toll collection right prescribed in the preceding paragraph should be determined on the basis of the value appraised by State property appraisal organizations.

Article 62 Domestic or foreign economic organizations to which the toll collection right has been transferred and which have invested in the construction of roads should set up enterprises for developing and managing roads according to law (hereinafter referred to as "road management enterprises").

Article 63 The standards for toll collection should be proposed by toll collecting units and submitted to the people's government of respective provinces, autonomous regions and municipalities together with price departments at the same level for approval.

Article 64 The opening of toll gates for toll collection on the toll roads should get approval from local government of provinces, autonomous regions or municipalities directly under the jurisdiction of the State Council.

The openings of toll gates that transcend provinces, autonomous regions and municipalities should be determined by the People's Governments of related provinces, autonomous regions or municipalities through consultation. Should consultation fail, related decisions shall be made by transportation department under the State Council. When a single toll road is built by different transportation departments or run by different road management enterprises, toll

gates should be built based on an overall planning and in a rational manner according to the principle of "unified collection and proportionate sharing of toll fees".

The distance between two toll gates should not be less than the standards set by the transportation department under the State Council.

Article 65 When a toll collection right contract expires, the right shall be recovered by the transferor.

When the toll collection right transfer contracts for toll roads that are invested and managed by domestic and foreign economic organizations expires, the roads should be recovered free by the State and handed over to transportation departments for management.

Article 66 The maintenance of roads whose toll collection rights have been transferred according to the provisions of Article 59 of this law or jointly invested and built by domestic or foreign economic organizations should be undertaken by enterprises that jointly manage the roads. The afore-said road management organizations, during their management of the roads, should do a good job to maintain the roads according to the technical standards and operational procedures prescribed by the transportation department under the State Council. The roads should remain in a sound technical state at the expiration of the term for toll collection right transfer or operation.

The greening and water and soil conservation within the land for roads should be undertaken by road management enterprises.

Road administration prescribed in the first paragraph is applicable to the provisions of Chapter Five of this law. The functions of road administration should be exercised by organizations and personnel commissioned by the transportation departments of local people's governments above the county level or road management organizations.

Article 67 If activities on toll roads listed in the second paragraph of Article 44, Article 45, Article 48 and Article 50 of this law have caused damages to road management organizations, corresponding compensation should be made in addition to undertakings prescribed in this article.

Article 68 The specific methods for operating toll roads shall be formulated by the State Council according to the provisions of this law.

Chapter VII Supervision and Checking

Article 69 Departments in charge of transportation and highway administrative organizations shall exercise supervision and checking on the implementation of laws and regulations concerning highways.

Article 70 Departments in charge of transportation and highway administration organizations are responsible for the administration and protection of the roads and are empowered to check and stop all acts that occupy, damage roads and land for roads and road ancillary facilities and other acts that violate the provisions of this law.

Article 71 No unit or individual may intrude the work of supervisory and checking personnel in supervision and checks made to roads, building control area of roads, parking lots and owners of vehicles.

Managers and users of highways and other related units or individuals should accept the supervision and checking by road supervisory and checking personnel and provide them with conveniences.

In performing their duties, road supervisory and checking personnel should wear signs and show certificates.

Article 72 Departments in charge of transportation and highways administration

organizations should strengthen administration and training of road supervisory and checking personnel, urging them to get familiar with the related laws and regulations of the State, to be fair, honest and warm-hearted in performing their duties, and to enforce the law impartially. Supervision and checking should be strengthened on the supervisory and checking personnel, whose law-violating acts should be corrected in time and handled according to law.

Article 73 Special vehicles for highway supervision and checking should bear clear and unified signs and warning lights.

Chapter VIII Legal Responsibilities

Article 74 Erection of check posts or collection of tolls without authorization in violation of the laws or related regulations of the State Council, shall be ordered to immediately stop by the transportation department in charge, with confiscation of their illegal proceeds and a fine of less than three times the illegal proceeds, if any, and of less than RMB20,000 if there are no illegal proceeds. The people in charge, directly responsible and other people directly involved shall be given administrative punishments.

Article 75 Undertakings of any engineering work without approval by transportation departments in charge in violation of the provisions of Article 25 of this law, shall be ordered immediately to stop by departments of transportation in charge with a fine of less than RMB50,000.

Article 76 A failure to pay road construction and maintenance fees due according to relevant regulations of the State, shall be ordered by departments of transportation in charge to make payment within a prescribed time limit, together with default fines on a daily basis. If still failing to pay within the time limit prescribed, a fine up to three times the amount in default shall be imposed and the transportation departments in charge may apply for compulsory enforcement of the punishment with the people's court.

Article 77 For the following law-violating acts the department of transportation in charge shall order an immediate stop and impose a fine of less than RMB30,000:

1 Occupying and/or digging roads in violation of the provisions of paragraph 1 of Article 44 of this law;

2 Building bridges, aqueducts or erect or lay pipelines, cables or other facilities without approval or not in conformance with prescribed engineering technical standards in violation of the provisions of Article 45 of this law;

3 Engaging in operations that threaten the road safety in violation of the provisions of Article 47 of this law;

4 Driving iron-wheel carts, caterpillar vehicles and other machinery that might damage road surfaces on the road without authorization in violation of the provisions of Article 48 of this law;

5 Driving overloaded vehicles or auto ferry or driving vehicles exceeding limits set in violation of the provisions of Article 50 of this law; and

6 Damaging, moving or altering road ancillary facilities or damaging or moving signs or boundary markers of building control areas of roads to threaten the road safety in violation of the provisions of Article 52 and Article 56 of this law.

Article 78 Causing damages and pollution of road surfaces, or impeding the smooth traffic of the roads in violation of the provisions of Article 46 of this law or using roads as test-run ground in violation of the provisions of Article 51 of this law, shall be ordered to an immediate stop by departments of transportation in charge with a fine of less than RMB5,000.

Article 79 Causing damages to roads without reporting in violation of the provisions of Article 53 of this law, shall be imposed a fine of less than

RMB1,000 by departments of transportation in charge.

Article 80 Putting up signs other than road marks within the areas of the land for use by roads in violation of the provisions of Article 54 shall be ordered removal within a prescribed time limit by the department of transportation in charge, with a fine of less than RMB20,000. If the illegal signs are not removed within the prescribed time limit, departments of transportation in charge shall remove them out, with the expenses for the moving being borne by people who are held responsible for the signs.

Article 81 Adding road crossings without approval in violation of the provisions of Article 55, shall be ordered to restore to the original state by departments of transportation in charge with a fine of less than RMB50,000.

Article 82 Erecting buildings and ground structures or laying pipelines, cables or other facilities without authorization in violation of the provisions of Article 56 of this law, shall be ordered by departments of transportation in charge to dismantle the projects within a prescribed time limit with a fine of less than RMB50,000. If the dismantle work is not done within the prescribed time limit, the departments of transportation in charge shall dismantle them with the expense incurred thereof being borne by the builders.

Article 83 Except those stipulations as provided in Article 74 and Article 75 of this law, the administrative penalties and measures exercised by departments of transportation in charge may be exercised by highway administrative organizations as prescribed in the fourth paragraph of Article 8 of this law.

Article 84 For cases that have obstructed road construction or urgent road repairing thus causing the construction or repairing unable to proceed normally, but have not caused serious damages, the provisions of Article 19 of the Regulations on the Management and Penalty Concerning Public Security shall apply.

For cases that have damaged roads or moved road marks without authorization to a possible effect to traffic safety but not eligible for criminal punishments, the provisions of Article 20 of the Regulation on the Administration and Penalty Concerning Public Security shall apply.

For cases that have refused or intruded the work of road supervisory and checking personnel but without the use of force or threat, the provisions of Article 19 of the Regulations on the Administration and Penalty Concerning Public Security shall apply.

Article 85 Acts that have violated provisions of this law and constituted a crime are liable for criminal responsibilities.

Article 86 Acts that have violated the provisions of this law and caused damages to roads are liable for civil responsibilities.

Vehicles causing fairly serious damages to roads should be ordered to stop immediately with the site protected and the case reported highway administrative organizations; the vehicles involved can only be removed after checking and settlement of the matter by related highway administrative organizations.

Article 87 For dereliction of duty, deception to seek personal gains, abuse of power by working personnel of departments of transportation in charge or highway administrative organizations, if the cases are serious enough to constitute crimes, they are liable for criminal responsibilities but if the cases are not serious enough to constitute a crime, administrative punishments shall be meted out.

Chapter IX Supplementary Provisions

Article 88 This law comes into force as of January 1, 1998.

Appendix

Related Clauses of the Regulations on the Administration and Penalty Concerning Public Security

Article 19 One of the following acts disrupting public order that is not eligible for criminal punishments shall be punished for 15-day detainment, a fine of less than RMB200 or a warning:

1 Disrupt the order of government institutions, people's organizations, enterprises and other institutions, causing work, production, operation, medical treatment, teaching and research unable to proceed normally but have not caused serious damages;

.....

7 Refuse or obstruct government functionaries from performing their duties according to law, but without using force or threat.

Article 20 A punishment of 15-day detainment, a fine of less than RMB200 or a warning shall be meted out for one of the following cases that disrupt public safety:

.....

8 Dig holes, place obstructions on railways, waterway, navigation channels or dikes or dams, damage or move indicative marks likely to affect traffic safety but not eligible for criminal punishments.