# Highway Law of the PRC

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## Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening the construction and administration of highways, promoting the development of the highway industry, and meeting the needs of the socialist




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modernization drive and people's daily lives.

Article 2 — This Law shall apply to the planning, construction, maintenance, operation, use, and administration of highways within the territory of the People's Republic of China.

For the purposes of this Law, highways include highway bridges, highway tunnels, and highway ferries.

Article 3 — The development of highways shall follow the principles of comprehensive planning, rational layout, ensuring quality, ensuring smooth traffic, protecting the environment, and giving equal emphasis to construction and maintenance.

Article 4 — People's governments at all levels shall adopt effective measures to support and promote highway construction. Highway construction shall be incorporated into national economic and social development plans.

The state shall encourage and guide domestic and foreign economic organizations to invest in the construction and operation of highways in accordance with the law.

Article 5 — The state shall assist and support ethnic minority areas, remote areas, and impoverished areas in developing the highway industry.

Article 6 — Highways shall be classified into national highways, provincial highways, county roads, and township roads according to their status in the highway network, and into expressways, Class I highways, Class II highways, Class III highways, and Class IV highways according to their technical grades.

Article 7 — Highways shall be protected by the state. No entity or individual may damage or illegally occupy highways, highway land, or highway auxiliary facilities.

All entities and individuals shall have the obligation to protect highways, highway land, and highway auxiliary facilities, and shall have the right to report and accuse acts of damaging highways, highway land, or highway auxiliary facilities, or acts affecting highway safety.

Article 8 — The transportation department under the State Council shall be in charge of the nationwide highway work.

The transportation departments of local people's governments at or above the county level shall be in charge of the highway work within their respective administrative regions.

The transportation departments of people's governments at the township and ethnic township levels shall be responsible for the relevant work of township road construction and maintenance within their respective administrative regions.

## Chapter II — Highway Planning

Article 9 — Highway plans shall be formulated in accordance with the needs of national economic and social development and national defense requirements, in coordination with urban construction and development plans and the development plans of other modes of transport.

Article 10 — National highway plans shall be formulated by the transportation department under the State Council jointly with the relevant departments of the State Council and in consultation with the provinces along the routes, and shall be submitted to the State Council for approval.

Provincial highway plans shall be formulated by the transportation departments of the relevant provincial people's governments and submitted to the provincial people's governments for approval, and shall be reported to the transportation department under the State Council for record.

Article 11 — The land for highway construction shall be used in accordance with the provisions of relevant laws and administrative regulations. Highways shall implement a land use system.



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The alteration of highway plans within their validity period shall be subject to the approval of the original approving authority.

Article 12 — The specific methods for the formulation and approval of national highway and provincial highway plans shall be prescribed by the transportation department under the State Council.

## Chapter III — Highway Construction

Article 13 — Highway construction projects shall be carried out in accordance with the capital construction procedures and the relevant provisions of the state.

Highway construction projects shall comply with the technical standards for highway engineering prescribed by the state.

Article 14 — Entities undertaking survey and design, construction, engineering supervision, and inspection and testing of highway construction projects shall hold the qualification certificates prescribed by the state in accordance with the law, and shall carry out operations within the scope permitted by their qualification certificates.

Article 15 — Highway construction shall implement a project legal person responsibility system, a tendering and bidding system, and an engineering supervision system.

Article 16 — Highway construction projects shall be subject to a quality management system and a safety management system in accordance with the relevant provisions of the state.

Article 17 — After a highway construction project is completed, acceptance inspection shall be carried out in accordance with the relevant provisions of the state. A highway may be opened to traffic only after it has passed the acceptance inspection.

Article 18 — Local people's governments at or above the county level shall, in accordance with the national highway plans, organize the implementation of highway construction within their respective administrative regions.

## Chapter IV — Highway Maintenance

Article 19 — Highway management agencies shall, in accordance with the technical specifications and operating procedures prescribed by the transportation department under the State Council, carry out highway maintenance to ensure that highways are always in good technical condition.

Article 20 — The maintenance of national and provincial highways shall be the responsibility of the highway management agencies.

The maintenance of county roads and township roads shall be the responsibility of the relevant local people's governments.

Article 21 — During the highway maintenance period, the highway management agency shall ensure the safe passage of vehicles to the greatest extent possible.

Article 22 — In the event of serious damage to a highway due to a natural disaster or other cause, the highway management agency shall promptly repair it. When the highway management agency is unable to repair it in a timely manner, the relevant local people's government shall promptly organize the repair.

## Chapter V — Road Administration

Article 23 — Highway management agencies shall be responsible for the management and protection of highways, highway land, and highway auxiliary facilities in accordance with the law.



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Article 24 — No entity or individual may occupy or destroy highways, highway land, or highway auxiliary facilities without authorization. Where it is truly necessary to occupy, excavate, or alter highway routes due to construction projects, the consent of the transportation department shall be obtained in advance.

Article 25 — No highway may be used as a site for testing vehicle brakes. The construction of structures, erection of poles and cables, and installation of pipelines and other facilities within highway land shall be subject to the consent of the transportation department in advance.

Article 26 — The erection of signs other than highway signs on or above highways shall not obstruct the view of drivers or affect the safety of highway traffic.

Article 27 — Buildings and ground structures shall not be constructed within certain distances from the edges of the highway land on both sides of highways, as prescribed by the state.

Article 28 — The following acts shall be prohibited on highways and within highway land:

(1) setting up stalls, stacking materials, dumping waste, and carrying out other activities that impede highway traffic;

(2) excavating ditches and diverting water;

(3) burning straw and other materials that produce smoke and dust;

(4) other acts that damage, pollute, or affect the smooth flow of highways.

Article 29 — Vehicles shall comply with the load limits prescribed by the state for highways when traveling on highways. Overloaded vehicles shall not travel on highways.

## Chapter VI — Toll Roads

Article 30 — The state shall allow the establishment of toll roads in accordance with the law, and shall exercise control over the number of toll roads.

Except as provided in Article 31 of this Law, vehicle tolls shall not be collected on highways. However, the state shall allow the collection of vehicle tolls on highways that meet the prescribed conditions.

Article 31 — The construction of highways funded by local people's governments at or above the county level through government loans or raised by enterprises or individuals through investment shall comply with the technical grades and scales prescribed by the transportation department under the State Council, and vehicle tolls may be collected in accordance with the law.

Article 32 — The establishment of toll stations on toll roads shall be subject to the examination and approval of the relevant provincial people's government. The distance between toll stations on the same mainline highway shall comply with the relevant provisions of the state.

Article 33 — Vehicle toll rates for toll roads shall be determined by the toll road operators based on factors such as the investment amount and the loan service period, and shall be submitted for approval in accordance with the prescribed procedures.

Article 34 — The toll period shall be determined by the relevant provincial people's government in accordance with the provisions of the state. Upon expiration of the toll period, toll collection shall cease.

## Chapter VII — Supervision and Inspection

Article 35 — Transportation departments and highway management agencies shall strengthen the supervision and inspection of highway construction and maintenance projects in accordance with the law, and shall investigate and deal with illegal acts in accordance with the law.



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Article 36 — When highway supervision and inspection personnel carry out supervision and inspection in accordance with the law, all entities and individuals shall cooperate.

Highway supervision and inspection personnel shall be fair and honest, enforce the law impartially, and be enthusiastic in providing services.

Article 37 — Highway supervision and inspection vehicles shall be equipped with uniform signs and warning lights. When highway supervision and inspection vehicles are used for highway supervision and inspection, they shall ensure the safety of highway traffic.

## Chapter VIII — Legal Liability

Article 38 — Where a person, in violation of the provisions of this Law, causes damage to a highway, the transportation department shall order the person to cease the illegal act and may impose a fine of not more than RMB 30,000.

Article 39 — Where a person occupies a highway without authorization, thereby affecting the safety of highway traffic, the transportation department shall order the person to cease the illegal act and may impose a fine of not more than RMB 5,000.

Article 40 — Where vehicles are overloaded and traveling on highways, the transportation department shall order the operator to unload the excess load, and a fine shall be imposed. Where damage is caused to the highway, the operator shall bear liability for compensation in accordance with the law.

Article 41 — Where a transportation department or highway management agency fails to perform its duties or fails to properly perform its duties, the people's government at the same level or the transportation department at a higher level shall order it to make corrections. The directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law.

Article 42 — Where a person violates the provisions of this Law and a crime is constituted, criminal liability shall be pursued in accordance with the law. Where damage is caused to a highway or others, the person shall bear civil liability in accordance with the law.

## Chapter IX — Supplementary Provisions

Article 43 — The administration of urban roads and highways within urban planning areas shall be separately prescribed by the State Council.

Article 44 — This Law shall come into effect as of January 1, 1998.

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