Regulations on the Administration of Toll Roads

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Chapter I — General Provisions

Article 1 — These Regulations are formulated, in accordance with the Highway Law of the People’s Republic of China (hereinafter the “Highway Law”), for the purpose of strengthening the administration of toll roads, standardizing highway toll collection, safeguarding the lawful rights and interests of the operators, managers and users of toll roads, and promoting the development of the highway industry.

Article 2 — For the purposes of these Regulations, “toll roads” means highways (including bridges and tunnels) that conform to the Highway Law and these Regulations and for which vehicle tolls are collected upon approval in accordance with the law.

Article 3 — The people’s governments at all levels shall take active measures to support and promote the development of the highway industry. Highway development shall adhere to the principle of giving priority to non-toll roads while appropriately developing toll roads.

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Article 4 — No vehicle tolls shall be collected on highways constructed entirely with government investment or with donations from social organizations or individuals.

Article 5 — No entity or individual may, in violation of the Highway Law and these Regulations, set up stations (checkpoints) on highways to collect vehicle tolls.

Article 6 — Any entity or individual shall have the right to refuse to pay vehicle tolls collected at illegally established toll stations (checkpoints) on highways.

Any entity or individual shall have the right to report to the transport, price, finance and other departments such acts as illegally establishing toll stations (checkpoints) on highways, illegally collecting or using vehicle tolls, illegally transferring toll road rights and interests, or illegally extending toll collection periods. The department that receives the report shall, in accordance with the division of duties, promptly investigate and handle the matter in accordance with the law; where it has no authority to investigate and handle the matter, it shall promptly transfer the matter to the department with such authority. The department accepting the report shall investigate and handle the matter within 10 days from the date of receipt of the report or the transferred materials.

Article 7 — The operators and managers of toll roads shall, upon approval in accordance with the law, have the right to collect vehicle tolls from vehicles using the toll roads.

Vehicles of the armed forces and the armed police forces, standard police vehicles with unified markings used by public security organs to handle traffic accidents, perform routine patrol tasks and handle emergencies on toll roads within their jurisdiction, and vehicles approved by the competent transport department of the State Council or the people's government of a province, autonomous region or municipality directly under the Central Government to carry out emergency rescue and disaster relief tasks, shall be exempted from vehicle tolls.

Vehicles of combine harvesters carrying out cross-regional operations and vehicles transporting combine harvesters (including rice transplanters) shall be exempted from vehicle tolls. Combine harvesters shall not travel on expressways.

Article 8 — No entity or individual may, in any form, illegally interfere with the operation and management of toll roads, or occupy or misappropriate the vehicle tolls lawfully collected by toll road operators and managers.

Chapter II — Construction of Toll Roads and Establishment of Toll Stations

Article 9 — The construction of toll roads shall conform to the national and provincial, autonomous regional and municipal highway development plans, and to the technical grades and scales of toll roads specified in these Regulations.

Article 10 — Highways constructed by the transport departments of local people's governments at or above the county level with loans or with paid fund-raising from enterprises or individuals (hereinafter "government loan-repayment roads"), and highways constructed with investment by domestic or foreign economic organizations or whose toll collection rights are transferred in accordance with the Highway Law (hereinafter "operational roads"), may collect vehicle tolls only after approval in accordance with the law.

Article 11 — The construction and management of government loan-repayment roads shall, in accordance with the principle of separating government functions from enterprise functions, be carried out by specially established non-profit legal-person organizations in accordance with the law.

The transport departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government may exercise unified management, unified loans and unified repayment over the government loan-repayment roads within their respective administrative regions.

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Operational road construction projects shall be announced to the public, and investors shall be selected through tendering and bidding.

Operational roads shall be constructed, operated and managed by lawfully established highway enterprise legal persons.

Article 12 — The establishment of toll stations on toll roads shall be examined and approved by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government in accordance with the following provisions:

(1) for expressways and other enclosed toll roads, toll stations shall not be established on the main line except at the entrances and exits at both ends, unless it is truly necessary to establish toll stations between provinces, autonomous regions or municipalities directly under the Central Government; and

(2) for non-enclosed toll roads, the distance between adjacent toll stations on the same main line shall not be less than 50 kilometers.

Article 13 — Expressways and other enclosed toll roads shall implement computerized networked toll collection to reduce toll stations and improve traffic efficiency. The specific measures for networked toll collection shall be formulated by the competent transport department of the State Council jointly with the relevant departments of the State Council.

Article 14 — The toll collection periods of toll roads shall be examined and approved by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government in accordance with the following standards:

(1) the toll collection period of a government loan-repayment road shall be determined on the principle of using the tolls to repay the loans and the paid fund-raising, and shall not exceed 15 years at the maximum. The toll collection period of a government loan-repayment road in the central and western provinces, autonomous regions and municipalities directly under the Central Government designated by the state shall not exceed 20 years at the maximum.

(2) the toll collection period of an operational road shall be determined on the principle of recovering the investment with a reasonable return, and shall not exceed 25 years at the maximum. The toll collection period of an operational road in the central and western provinces, autonomous regions and municipalities directly under the Central Government designated by the state shall not exceed 30 years at the maximum.

Article 15 — The toll rates for vehicle tolls shall be subject to hearings in accordance with the provisions of price laws and administrative regulations, and shall be examined and approved in accordance with the following procedures:

(1) the toll rates of government loan-repayment roads shall be examined by the transport department of the people's government of the province, autonomous region or municipality directly under the Central Government jointly with the price department and the finance department at the same level, and then submitted to the people's government at the same level for examination and approval.

(2) the toll rates of operational roads shall be examined by the transport department of the people's government of the province, autonomous region or municipality directly under the Central Government jointly with the price department at the same level, and then submitted to the people's government at the same level for examination and approval.

Article 16 — The toll rates for vehicle tolls shall be calculated and determined on the basis of factors such as the technical grade of the highway, the total investment, the local price index, the periods for repaying loans or paid fund-raising and for recovering investment, and the traffic volume. For vehicles transporting fresh and live agricultural products on the green channels prescribed by the state, the toll rates may be appropriately reduced or the vehicles may be exempted from vehicle tolls.

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The costs of constructing facilities unrelated to the operation and management of the toll road, and of constructing operation, management and service facilities exceeding the standards, shall not be used as factors in determining the toll rates.

Where the toll rates for vehicle tolls need to be adjusted, the adjustment shall be handled in accordance with the procedures specified in Article 15 of these Regulations.

Article 17 — With respect to toll stations, toll collection periods, vehicle toll rates or toll rate adjustment plans examined and approved in accordance with the procedures specified in these Regulations, the approving authority shall, within 10 days from the date of examination and approval, file the relevant documents with the competent transport department of the State Council and the competent price department of the State Council; where the matter involves a government loan-repayment road, the documents shall also be filed with the finance department of the State Council within 10 days from the date of examination and approval.

Article 18 — The construction of toll roads shall conform to the following technical grades and scales:

(1) expressways with a continuous mileage of 30 kilometers or more, except for expressways from urban areas to local airports;

(2) class I highways with a continuous mileage of 50 kilometers or more; and

(3) independent two-lane bridges and tunnels with a length of 800 meters or more, and independent four-lane bridges and tunnels with a length of 500 meters or more.

Highways of technical grade II or below (including grade II) shall not be subject to toll collection. However, for grade II highways constructed in the central and western provinces, autonomous regions and municipalities directly under the Central Government designated by the state, where the continuous mileage is 60 kilometers or more, vehicle tolls may be collected upon approval in accordance with the law.

Chapter III — Transfer of Toll Road Rights and Interests

Article 19 — The transfer of toll road rights and interests in accordance with these Regulations shall be announced to the public, the operators and managers shall be selected fairly, justly and openly through tendering and bidding, and a transfer agreement shall be concluded in accordance with the law.

Article 20 — The rights and interests of a toll road include the toll collection right, the advertising operation right and the service facility operation right.

Where toll road rights and interests are transferred, the lawful interests of investors shall be protected in accordance with the law.

Article 21 — Where the toll collection right among the rights and interests of a government loan-repayment road is transferred, an extension of the toll collection period may be applied for, but the extended period shall not exceed five years.

Where the toll collection right among the rights and interests of an operational road is transferred, the toll collection period shall not be extended.

Article 22 — The toll collection right among toll road rights and interests shall not be transferred under any of the following circumstances:

(1) independent two-lane bridges and tunnels with a length of less than 1,000 meters;

(2) grade II highways; or

(3) the toll collection period has exceeded two-thirds of the approved toll collection period.

Article 23 — The income from transferring the rights and interests of a government loan-repayment road shall be paid into the state treasury and, except for use in repaying loans and paid fund-raising, shall be used

for highway construction.

Article 24 — The specific measures for the transfer of toll road rights and interests shall be formulated by the competent transport department of the State Council jointly with the development and reform department and the finance department of the State Council.

Chapter IV — Operation and Management of Toll Roads

Article 25 — After a toll road is completed, acceptance inspection shall be carried out in accordance with the relevant provisions of the state; vehicle tolls may be collected only after the acceptance inspection is passed.

Toll roads shall not collect tolls while still under construction.

Article 26 — Toll road operators and managers shall, in accordance with the standards and specifications prescribed by the state, carry out routine inspection and maintenance of the toll road and its ancillary facilities, ensure that the toll road is in good technical condition, and provide high-quality services to vehicles and personnel using the road.

The maintenance of toll roads shall be strictly carried out and completed in accordance with the construction schedule, shall not delay the schedule, and shall not affect the safe passage of vehicles.

Article 27 — Toll road operators and managers shall, at conspicuous locations at toll stations, set up notice boards bearing the name of the toll station, the approving authority, the toll collection unit, the toll rates, the start and end years of toll collection and the supervision telephone number, so as to accept social supervision.

Article 28 — Toll road operators and managers shall, in accordance with the standards prescribed by the state and in light of the highway traffic conditions and ancillary facilities, set up traffic signs and markings.

Traffic signs and markings shall be clear, accurate and easy to recognize. Important traffic information shall be reminded repeatedly.

Article 29 — The establishment of toll lanes shall conform to the requirements of vehicle driving safety; the number of toll lanes shall conform to the needs of vehicles passing through quickly and shall not cause vehicle congestion.

Article 30 — The staffing of toll stations shall be commensurate with the number of toll lanes and the traffic volume, and personnel shall not be increased at will.

Toll road operators and managers shall strengthen the professional training and professional ethics education of toll station staff, and toll collectors shall be civilized, courteous and provide standardized services.

Article 31 — Where circumstances affecting the normal and safe passage of vehicles, such as highway damage, construction or traffic accidents, occur, toll road operators and managers shall set up safety protection facilities at the scene, and provide speed-limit and warning reminders at the entrances and exits of the toll road, or make announcements using facilities such as variable information boards along the toll road; where traffic congestion is caused, they shall promptly report to the relevant departments and assist in diverting traffic.

Where circumstances seriously affecting the safe passage of vehicles, such as severe highway damage, adverse weather conditions or major traffic accidents, occur, the public security organ shall, in accordance with the circumstances, take traffic control measures such as speed-limit passage or highway closure in accordance with the law. Toll road operators and managers shall actively cooperate with the public security organ and promptly remind passing vehicles of the relevant traffic control information.

Article 32 — When collecting vehicle tolls, toll road operators and managers shall issue toll receipts to toll road users. The toll receipts of government loan-repayment roads shall be uniformly printed (supervised) by the finance department of the people's government of the province, autonomous region or municipality directly under the Central Government. The toll receipts of operational roads shall be uniformly printed (supervised) by the tax department of the people's government of the province, autonomous region or municipality directly under the Central Government.

Article 33 — Toll road operators and managers shall have the right to refuse passage to vehicles that refuse, evade or underpay the vehicle tolls that should be paid in accordance with the law, and to require such vehicles to make up the vehicle tolls that should be paid.

No person may, for the purpose of refusing, evading or underpaying vehicle tolls, deliberately block toll lanes, forcibly rush through checkpoints, assault toll road management personnel, damage toll facilities, or engage in other activities disrupting the operation and management order of toll roads.

Where the conduct disrupting the operation and management order of toll roads specified in the preceding paragraph occurs, toll road operators and managers shall promptly report to the public security organ, which shall handle the matter in accordance with the law.

Article 34 — Vehicles traveling on toll roads shall not be overloaded.

Where an overloaded vehicle is discovered, toll road operators and managers shall promptly report to the public security organ, which shall handle the matter in accordance with the law.

Article 35 — Toll road operators and managers shall not engage in the following conduct:

(1) raising vehicle toll rates without authorization;

(2) collecting or collecting on behalf of others any fees other than the vehicle toll rates;

(3) forcibly collecting, or collecting by other improper means, vehicle tolls for a certain period from vehicles; or

(4) failing to issue toll receipts, issuing toll receipts not uniformly printed (supervised) by the finance or tax departments of the people's government of the province, autonomous region or municipality directly under the Central Government, or issuing expired or invalid toll receipts.

Where any of the acts listed in the preceding paragraph occurs, passing vehicles shall have the right to refuse to pay the vehicle tolls.

Article 36 — The vehicle toll income collected by the managers of government loan-repayment roads shall be fully deposited into special financial accounts, and strictly administered under the two-line management of revenue and expenditure.

The vehicle tolls of government loan-repayment roads shall, except for the necessary management and maintenance expenses to be expended from the vehicle toll budget approved by the finance department, be fully used to repay loans and paid fund-raising, and shall not be diverted for other purposes.

Article 37 — Upon expiry of the toll collection period of a toll road, toll collection shall be terminated.

Where a government loan-repayment road has repaid its loans and paid fund-raising before the expiry of the approved toll collection period, toll collection shall be terminated.

Where toll collection on a toll road is terminated in accordance with the preceding two paragraphs, the relevant people's government of the province, autonomous region or municipality directly under the Central Government shall announce the matter to the public, clearly specifying the date of termination of toll collection, so as to accept social supervision.

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Article 38 — Six months before the termination of toll collection on a toll road, the transport department of the people's government of the province, autonomous region or municipality directly under the Central Government shall appraise and inspect the toll road. Where, upon appraisal and inspection, the highway conforms to the technical grade and standards approved when the toll road rights and interests were obtained, the toll road operator and manager may handle the highway handover procedures with the transport department in accordance with the relevant provisions of the state; where the highway does not conform to the technical grade and standards approved when the toll road rights and interests were obtained, the toll road operator and manager shall carry out maintenance within the period determined by the transport department, and may handle the highway handover procedures in accordance with the provisions only after meeting the requirements.

Article 39 — After toll collection on a toll road is terminated, the toll road operator and manager shall remove the toll facilities within 15 days from the date of termination of toll collection.

Article 40 — No entity or individual may force vehicles to use toll roads by blocking non-toll roads or setting up checkpoints on non-toll roads to collect fees or by other means.

Article 41 — Toll road operators and managers shall, in accordance with the requirements of the competent transport department of the State Council and the transport departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, promptly provide statistical data and relevant information.

Article 42 — The maintenance, greening and water and soil conservation within the highway land area, and highway administration of toll roads shall be carried out in accordance with the relevant provisions of the Highway Law.

Article 43 — The competent transport department of the State Council and the transport departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall supervise and inspect toll roads and urge toll road operators and managers to perform their obligations of highway maintenance, greening and water and soil conservation within the highway land area in accordance with the law.

Article 44 — Audit organs shall strengthen audit supervision of toll roads in accordance with the law, and investigate and handle illegal acts in accordance with the law.

Article 45 — When administrative law enforcement organs supervise and inspect toll roads in accordance with the law, they shall not collect any fees from toll road operators and managers.

Article 46 — The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall announce to the public information such as the names of toll roads and toll stations, toll collection units, toll rates and toll collection periods within their respective administrative regions, so as to accept social supervision.

Chapter V — Legal Liability

Article 47 — Where, in violation of these Regulations, approval is granted without authorization for the construction of a toll road, a toll station, a toll collection period, vehicle toll rates or the transfer of toll road rights and interests, the people's government of the province, autonomous region or municipality directly under the Central Government shall order rectification; the responsible persons in charge and other directly responsible personnel shall be given administrative sanctions ranging from recording a serious demerit to dismissal in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 48 — Where, in violation of these Regulations, a local people's government or a relevant department or its staff illegally interferes with the operation and management of a toll road, or occupies or

misappropriates the vehicle tolls collected by the toll road operator and manager, the people's government at a higher level or the relevant department shall order the cessation of the illegal interference and the return of the occupied or misappropriated vehicle tolls; the responsible persons in charge and other directly responsible personnel shall be given administrative sanctions ranging from recording a serious demerit to dismissal in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 49 — Where, in violation of these Regulations, a toll station (checkpoint) is set up on a highway without authorization to collect vehicle tolls, or toll collection is not terminated when it should be terminated, the competent transport department of the State Council or the transport department of the people's government of the province, autonomous region or municipality directly under the Central Government shall, in accordance with its authority, order rectification and forcibly remove the toll facilities; where there are illegal gains, the illegal gains shall be confiscated and a fine of not less than two times and not more than five times the illegal gains shall be imposed; where there are no illegal gains, a fine of not less than 10,000 yuan and not more than 50,000 yuan shall be imposed; where the responsible persons in charge and other directly responsible personnel are state functionaries, they shall be given administrative sanctions ranging from recording a serious demerit to dismissal in accordance with the law.

Article 50 — Where, in violation of these Regulations, any of the following circumstances exists, the competent transport department of the State Council or the transport department of the people's government of the province, autonomous region or municipality directly under the Central Government shall, in accordance with its authority, order rectification and, depending on the seriousness of the circumstances, impose a fine of not less than 50,000 yuan and not more than 200,000 yuan:

(1) the establishment of a toll station does not conform to the standards, or the location of a toll station is changed without authorization;

(2) routine inspection and maintenance of the toll road and its ancillary facilities are not carried out in accordance with the standards and specifications prescribed by the state;

(3) traffic signs and markings are not reasonably set up in accordance with the relevant provisions of the state;

(4) the establishment of toll lanes does not conform to the requirements of vehicle driving safety, or the number of toll lanes does not conform to the needs of vehicles passing through quickly;

(5) where circumstances affecting the normal and safe passage of vehicles, such as highway damage, construction or traffic accidents, occur, safety protection facilities are not set up or reminders or announcements are not provided in accordance with the provisions, or traffic is not promptly diverted when congestion occurs; or

(6) information that should be announced concerning speed-limit passage or highway closure is not promptly announced.

Article 51 — Where, in violation of these Regulations, a toll road operator and manager fails to issue receipts when collecting tolls, issues receipts not uniformly printed (supervised) by the finance or tax departments of the people's government of the province, autonomous region or municipality directly under the Central Government, or issues expired or invalid receipts, the finance department or the tax department shall order rectification and, depending on the seriousness of the circumstances, impose a fine of not less than 100,000 yuan and not more than 500,000 yuan; where the responsible persons in charge and other directly responsible personnel are state functionaries, they shall be given administrative sanctions ranging from recording a serious demerit to dismissal in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

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Article 52 — Where, in violation of these Regulations, the manager of a government loan-repayment road fails to deposit the vehicle tolls in full into the special financial account or fails to pay the income from transferring the rights and interests of the government loan-repayment road in full into the state treasury, the finance department shall recover and make up the shortfall; the responsible persons in charge and other directly responsible personnel shall be given administrative sanctions ranging from recording a demerit to dismissal in accordance with the law.

Where, in violation of these Regulations, the finance department fails to use the vehicle tolls of a government loan-repayment road or the income from transferring the rights and interests of the government loan-repayment road to repay loans and paid fund-raising, or diverts the vehicle tolls or the income from transferring the rights and interests of the government loan-repayment road for other purposes, the people's government at the same level shall order the repayment of loans and paid fund-raising, or order the return of the diverted vehicle tolls and the income from transferring the rights and interests of the government loan-repayment road; the responsible persons in charge and other directly responsible personnel shall be given administrative sanctions ranging from recording a demerit to dismissal in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 53 — Where, in violation of these Regulations, a toll road operator and manager fails to promptly remove the toll facilities after toll collection on the toll road is terminated, the transport department of the people's government of the province, autonomous region or municipality directly under the Central Government shall order removal within a time limit; where removal is not carried out within the time limit, forcible removal shall be carried out, and the removal costs shall be borne by the original toll road operator and manager.

Article 54 — Where, in violation of these Regulations, a toll road operator and manager fails to carry out toll road maintenance in accordance with the technical specifications and operating procedures prescribed by the competent transport department of the State Council, the transport department of the people's government of the province, autonomous region or municipality directly under the Central Government shall order rectification; where rectification is refused, it shall order the cessation of toll collection. Where the highway maintenance obligation is still not performed within 30 days after the cessation of toll collection is ordered, the transport department of the people's government of the province, autonomous region or municipality directly under the Central Government shall designate another unit to carry out the maintenance, and the maintenance costs shall be borne by the original toll road operator and manager. Where the original operator and manager refuses to bear the costs, the transport department of the people's government of the province, autonomous region or municipality directly under the Central Government shall apply to the people's court for compulsory enforcement.

Article 55 — Where, in violation of these Regulations, a toll road operator and manager fails to perform its obligations of highway greening and water and soil conservation, the transport department of the people's government of the province, autonomous region or municipality directly under the Central Government shall order rectification, and may impose a fine of not less than one time and not more than two times the costs required for performing the greening and water and soil conservation obligations on the original toll road operator and manager.

Article 56 — The competent price department of the State Council or the price departments of local people's governments at or above the county level shall impose penalties on price violations under these Regulations in accordance with the provisions of price administration laws, regulations and rules.

Article 57 — Where, in violation of these Regulations, a person, for the purpose of refusing, evading or underpaying vehicle tolls, deliberately blocks toll lanes, forcibly rushes through checkpoints, assaults toll road management personnel, damages toll facilities, or engages in other activities disrupting the operation and management order of toll roads, which constitutes a violation of public security administration, the public security organ shall impose penalties in accordance with the law; where a crime is constituted, criminal

liability shall be pursued in accordance with the law; where losses are caused to the toll road operator and manager or personal injury is caused, civil compensation liability shall be borne in accordance with the law.

Article 58 — Where, in violation of these Regulations, a person impersonates military vehicles, armed police vehicles, standard police vehicles with unified markings of public security organs, or emergency rescue and disaster relief vehicles to evade vehicle tolls, the matter shall be handled by the relevant authorities in accordance with the law.

Chapter VI — Supplementary Provisions

Article 59 — Toll roads under construction and already put into operation before these Regulations take effect shall be standardized by the competent transport department of the State Council jointly with the development and reform department and the finance department of the State Council in accordance with the principles specified in these Regulations. The specific measures shall be formulated by the competent transport department of the State Council.

Article 60 — These Regulations shall take effect on November 1, 2004.

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