

(National Coat of Arms)
KINGDOM OF CAMBODIA
Nation Religion King

Royal Government of Cambodia

No. 197 S.E.

SUB-DECREE

ON

**THE MANAGEMENT OF RIGHTS OF WAY ON
NATIONAL ROADS AND RAILWAY NETWORKS
OF THE KINGDOM OF CAMBODIA**

The Royal Government

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RK/0908/1054, dated 25 September 2008, on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram NS/RK/0196 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Public Works and Transport;
- Having seen the Royal Kram No. NS/RK/0801/14 dated 30 August 2001 promulgating the Land Law;
- Having seen the Royal Kram No. NS/RK/0508/017 dated 24 May 2008 promulgating the Law on Administration and Management of the Capital, Province, City, District, and Khan;
- Having seen Sub-decree No. 86 S.E, dated 9 December 1997 on the Construction Authorization;
-
- Having seen Sub-decree No. 14 S.E, dated 3 March 1998, on the Organization and Functioning of the Ministry of Public Works and Transport;
- Having received approval from the Council of Ministers in its Plenary Session on 6 November, 2009;

HEREBY DECIDES

CHAPTER 1

GENERAL PROVISIONS

Article 1. _

This sub-decree aims to determine the management and use of rights of way on national roads and railway networks in line with the development and progress in the Kingdom of Cambodia.

Article 2._

This sub-decree aims to:

- Eliminate the encroachment of rights-of-way to build the construction or grow crops;
- Prevent traffic accidents and maintain social order arising along the road networks;
- Reduce obstacles which hinder road development;
- Reduce the expense by the State on the settlement for citizens' houses along the road networks;
- Ensure sustainable development of physical infrastructures in the Kingdom of Cambodia.

Article 3._

This sub-decree covers National Road No. 1 (one) digit, National Road No. 2 (two) digits as well as railways in the Kingdom of Cambodia under the supervision of the Ministry of Public Works and Transport.

The scope of this sub-decree does not cover developed roads along the borders which are not national roads, national roads in the reserved wildlife sanctuaries and national parks, national roads in flora, town track, national roads on both sides of ditches und the supervision and responsibility of the Ministry of Environment, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Rural Development and the Ministry of Water Resources and Meteorology, and other national roads constructed by communes, Sangkats, communities and citizens,.

Article 4._

Terminologies used in this Sub-Decree shall convey the following meanings:

- Rights-of-way on national roads and railways refer to section of land on both sides of carriageway of national roads and railways to have been or be developed and placed under the full management and responsibility of the Ministry of Public Works and Transport which are reserved in accordance with the technical standard with length of carriageway according to the types of roads as specified in Articles 8 and 9 of this sub-decree.

- National Road referred to whole parts of the road included carriageway, roadside or berm.

- Railway refers to the railway which exists by the construction for traffic of trains, all kinds of transports including workmanship and railway equipment.

- Carriageway refers to segment road for motorized traffic.

- Roadside refers to parts of both sides of the trunk of the road located outside the cities and towns and where it can be parked if necessary.

- Berm refers to roadside in cities or towns, which are prepared for pedestrians however vehicles are not allowed to park there.

- National road refers to:

1- Road which has a starting point from Phnom Penh Capital to municipality of provinces in whole country.

2- Road which has a starting point from a municipality of a province to another municipality of another province.

3- Road which has a starting point from a National Road to another National Road.

4- Road connecting a National Road to a municipality of a province.

5- Road connecting a National Road to potential areas such as port, train station, airport, special economic zone, tourist destinations, international border checkpoints, and other areas of main economic potential.

6- Main roads of the country with a lot of traffics determined by the Royal Government at the request of the Ministry of Public Works and Transport.

The National Road is divided into 2 (two) grades:

- National Road Grade 1 refers to the national road denoted by 1 (one) digit;
- National Road Grade 2 refers to the national road denoted by 2 (two) digits.

- Regional road refers to national road networks connecting neighboring countries' roads in the region and is internationally recognized.

- Public road refers to the road for general public traffic.

- Private road refers to the road constructed by private sector and is open for public traffic and it is constructed or repaired by the private according to the contract entered into with the State;

- Workmanship refers to construction of bridges, culverts, drainages system, reservoirs serving for national roads and other physical infrastructures that provide safety, efficiency and sustainability to national roads and railways.

- National road and railways facilities refers to fence dividing traffic, guard fence, marker post, road sign, lighting, traffic light signal, rest area, vehicles terminal, train station, as well as material and other constructions built in the rights of way of national roads and railways to facilitate the use or serve the interest of national roads and railways.

- Development of national roads and railways refers to the building, restoration and upgrading of national roads and railways excluding the maintenance of national roads and railways.

- City or town refers to the place where buildings or infrastructures are constructed next to one another and the access roads therein carry a sign of the name of the town area.

CHAPTER 2

MANAGEMENT AND USE OF RIGHTS OF WAY OF NATIONAL ROADS AND RAILWAYS

Article 5._

The Ministry of Public Works and Transport is responsible for managing and using the rights of way of national roads and railways, planning, studying design development plans of national roads and railways or providing other services related to national roads and railways to serve the benefit of users of national roads and railways in an effective manner.

Article 6._

The relevant ministries, institutions and authorities at all levels shall cooperate with the Ministry of Public Work and Transport in managing rights of way of national roads and railways on the basis of legal principles in force.

CHAPTER 3

Determination of Rights of Way of National Roads and Railways

For Serving the Development of Physical Infrastructures

Article 7._

Rights of way on national roads and railway networks are the State public property in accordance with Article 15 of the Land Law.

Article 8._

Rights of way are determined to serve the development of physical infrastructures as follows:

- National road grade 1: Denoted by 1 (one) digit with rights of way of 30 (thirty) meters in length from each side of central line.

- National road grade 2: Denoted by 2 (two) digits with rights of way of 25 (twenty-five) meters in length from each side of the central line.

The above 2 (two) types of rights of way of national road that cut across the capital or municipality of a province or town area shall be determined separately on the rights of way of the national road of the capital and municipality of a province or town area.

Article 9._

Rights of way of railways are determined to serve the development of physical infrastructures as follows:

- Rights of way of railway outside of the capital, municipality, and town area is 30 (thirty) meters in length from each side of central line.

- Rights of way in the forest area with rolling stones or highland forest area is 100 (one hundred) meters in length from each side of the central line.

- The land for railway station premises shall comply with the existing plan.

The rights of way for railways that cut across the capital or municipality of a province or town area shall be determined separately on the rights of way of railway of the capital or municipality of a province or town area.

Article 10._

The determination of rights of way specified above shall be made only once despite development of more roads. The determination on the rights of way shall remain as it is.

Article 11._

All relevant competent ministries and institutions shall not be authorized to place any construction, grow crops on the rights of way of national roads and railways.

Any crop grown in an exploitation manner shall seek authorization in principal from the Royal Government and a contract with the relevant ministries and institutions shall be entered into. When the road needs to be developed, the State shall not be responsible for any compensation.

Article 12._

The Ministry of Public Works and Transport shall issue a Prakas or Directive to determine the use of rights way of national roads and railways for the public and private benefits such as digging and laying of networks, optical cables, clean water pipes, erection of electricity poles, erection of optical poles, erection of advertising billboards and other uses related to the rights of way of national roads and railways.

The Ministry of Public Works and Transport shall conduct a study in order to display billboards on the determination of rights of way of national roads and railway networks instead of erecting poles on the rights of way.

CHAPTER 4

SEVERABILITY

Article 13.-

The State shall pay compensation in line with the resettlement policy and in accordance with Article 148 of the Land Law to legal owners of re-determined plots, as specified in Articles 8 and 9 of this sub-decree for the development of physical infrastructure exceeding what has been determined prior to this sub-decree and in accordance with the existing laws and provisions.

Article 14.-

The compensation for lawful land occupancy, crops as well as fence and such constructions as dams, ditches, paddy land properly made in accordance with legal provisions shall be determined by the Royal Government.

CHAPTER 5

PENALTIES

Article 15.-

Any taking hold of public property specified in Articles 8 and 9 of this sub-decree shall be subject to penalties according to the existing laws.

CHAPTER 6

FINAL PROVISIONS

Article 16.-

Any provision contrary to this sub-decree shall be abrogated.

Article 17.-

The Minister in charge of the Council of Ministers, the Minister of Interior, the Minister of Economics and Finance, the Minister of Public Works and Transport, the Minister of Land Management, Urban Planning, and Construction, ministers and secretaries of state of all relevant ministries and institutions, all capital and provincial governors of the board of governors, shall undertake to implement this sub-decree from the date of signature.

Phnom Penh, 21 November, 2009

Prime Minister

(Signed and sealed)

Cc:

- Ministry of Royal Palace
- General Secretariat of the Constitutional Council
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Secretary General of the Royal Government
- Cabinet of Samdech Prime Minister
- Cabinets of Excellencies Deputy Prime Ministers
- As stipulated in Article 17
- Royal Gazette
- Records-Archives

Samdech Akka Moha Sena Padei Techo Hun Sen