

**HIGHWAYS ACT,  
B.E. 2535 (1992)\*\***

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BHUMIBOL ADULYADEJ, REX.

Given on the 2<sup>nd</sup> Day of April B.E. 2535 (1992);  
Being the 47<sup>th</sup> Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on highways;

Be it, therefore, enacted by the King by and with the advice and consent of the National Legislative Assembly acting as the National Assembly, as follows:

**Section 1.** This Act is called the “Highways Act, B.E. 2535 (1992)”.

**Section 2.** This Act shall come into force as from the day following the date of its publication in the Government Gazette.<sup>1</sup>

**Section 3.** The following shall be repealed:

(1) Announcement of the Revolutionary Council No. 295 dated 28 November B.E. 2515 (1972);

(2) Act Amending the Announcement of the Revolutionary Council No. 295 dated 28 November B.E. 2515 (1972), B.E. 2522 (1979);

(3) Act Amending the Announcement of the Revolutionary Council No. 295 dated 28 November B.E. 2515 (1972) (No. 2), B.E. 2530 (1987).

**Section 4.** In this Act:

“Highway”<sup>2</sup> means a way or road provided for public traffic by land whether at the level of, under, or above, the ground or under, or above, immovable property other

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\* Translated by Chandler and Thong’ek Law Office Limited, and reviewed by Prof. Phijaisakdi Horayangkura under contract for the Office of the Council of State of Thailand’s Law for ASEAN project. -Initial Version – pending review and approval by the Office of the Council of State.

\*\* As amended up until Highways Act (No. 2) B.E. 2549 (2006)

<sup>1</sup> Published in the Government Gazette Vol. 109, Part 52, Page 6, dated 18<sup>th</sup> April B.E. 2535 (1992)

than a railway, and shall include lands, vegetation and plants of all kinds, bridges, culverts or gutters, tunnels, water channels, embankments, dikes, fences, survey posts, boundary posts, distance posts, road signs, traffic signs, signal marks, traffic lights, signal devices, parking areas, passengers area, rest areas, ferryboats, ferry vessels, ferry bridges and buildings or all other things which are accessory to road work and which exist or are provided within the highway boundary for the purposes of road work or users of such highway;

“Road Work” means any activity carried out for or in connection with survey, construction, expansion, repair or maintenance of a highway, or traffic on a highway;

“Traffic Lane” means a part of a highway constructed or provided for vehicular traffic;

“Footpath” means a part of a highway constructed or provided for pedestrians;

“Parallel Lane”<sup>3</sup> (Repealed)

“Shoulder” means a part of a highway touching both sides of traffic lanes;

“Vehicle”<sup>4</sup> means cars under the law governing motorcars, cars under the law governing land transportation, including machinery, machines and any other thing which can move along the highway in a similar manner.

“Highway Director” means a person who has the power and duty, or is appointed, to control a specific category of highway and road work or in a specific locality or over a specific route under this Act;

“Highway Officer” means a person appointed by the Minister as a highway officer to execute duties in accordance with this Act;

“Minister” means the Minister having charge and control of the execution of this Act.

**Section 5.** The Minister of Transport and the Minister of Interior shall have charge and control of the execution of this Act in the part pertaining to official work of the respective ministries and shall have the power to appoint highway officers and to issue Ministerial Regulation for the implementation of this Act in the following matters:

(1) determination of speed of vehicles;

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<sup>2</sup> Section 4, definition of “highway” is amended by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>3</sup> Section 4, definition of “parallel lane” is repealed by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>4</sup> Section 4, definition of “vehicle” is added by the Highways Act (No. 2) B.E. 2549 (2006)

(2) preparation, erection and installation of road signs, traffic signs, signal marks or other signs, drawing lines, writing statements or putting any other mark for traffic on highways;

(3) prescription of other matters for the implementation of this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

**Part 1**  
**General Provisions**

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**CHAPTER I**  
**CATEGORIES OF HIGHWAYS**

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**Section 6.**<sup>5</sup> Highways are classified into 5 categories:

- (1) special highways;
- (2) national highways;
- (3) rural highways;
- (4) local highways;
- (5) concession highways.

**Section 7.**<sup>6</sup> A special highway is a highway provided or constructed for specially through and rapid traffic as designated and announced by the Minister, and is registered as a special highway, constructed, expanded, repaired and maintained by the Department of Highways, with control on entrance and exit only through a supplemental road that is part of the special highway as prepared by the Department of Highways.

**Section 8.** A national highway is a main highway connecting regions, provinces and districts, including major places, which is constructed, expanded, repaired and maintained by the Department of Highways and which has been registered as a national highway.

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<sup>5</sup> Section 6 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>6</sup> Section 7 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

**Section 9.**<sup>7</sup> A rural highway is a highway which is constructed, expanded, repaired and maintained by the Department of Rural Roads and which has been registered as a rural highway.

**Section 10.**<sup>8</sup> A local highway is a highway which is constructed, expanded, repaired and maintained by a local administration organization and which has been registered as a local highway.

**Section 11.**<sup>9</sup> (Repealed)

**Section 12.** A concession highway is a highway under a concession given by the Government under the law on concession highways, which has been registered as a concession highway.

**Section 13.**<sup>10</sup> Highways of various categories shall be registered as follows:

(1) registration of special highways, national highways and concession highways shall be made by the Director-General of the Department of Highways at the Department of Highways;

(2) registration of rural highways shall be made by the Director-General of the Department of Rural Roads at the Department of Rural Roads;

(3) registration of local highways shall be made by a provincial governor at the provincial hall.

The Minister shall publish the highways register prepared under (1) in the Government Gazette.

**Section 14.** The Ministers have the power to appoint a highway director. Such appointment may be limited to that for a specific category, locality or route.

**Section 15.**<sup>11</sup> If the Ministers have not appointed a highway director under section 14, the following persons shall be highway directors:

(1) The Director-General of the Department of Highways shall be the director of special highways, national highways and concession highways;

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<sup>7</sup> Section 9 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>8</sup> Section 10 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>9</sup> Section 11 is repealed by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>10</sup> Section 13 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>11</sup> Section 15 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

(2) The Director-General of the Department of Rural Roads shall be the director of rural highways;

(3) Chief executive of provincial administration organization, mayor, chief executive of sub-district administration organization, Bangkok governor, Pattaya city mayor or the highest executive of other local administration organizations established by law, as the case may be, shall be the director of local highways.

**Section 16.** The Ministers shall have the power to order a change in the category of a highway as follows:

(1) For highways under the same Minister, such Minister shall have the said power;

(2) For highways under a different Minister, the Minister to which the highway is transferred as a result of the change in category shall have the said power;

Upon a change in the category of a highway under paragraph one, the register shall be properly changed.

A change of a highway in another category into a special highway or of a special highway into a highway in another category shall be promulgated in the Government Gazette.

**Section 17.** In case of a question as to which highway falls within what category, the Minister shall decide.

**Section 18.** A person who constructed a road may request an officer under section 13 to register the road as a highway, but that officer may accept the road for registration only after such person has complied with the conditions stipulated by the officer.

## Chapter II

### SUPERVISION, INSPECTION AND CONTROL OF HIGHWAYS AND ROAD WORK

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**Section 19.** The Director-General of the Department of Highways shall supervise, inspect and control highways and road work pertaining to special highways, national highways and concession highways.

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**Section 20.**<sup>12</sup> The Director-General of the Department of Rural Roads shall supervise, inspect and control highways and road work pertaining to rural highways.

**Section 21.**<sup>13</sup> Chief executive of provincial administration organization, mayor, chief executive of subdistrict administration organization, Bangkok governor, Pattaya city mayor or the highest executive of other local administration organizations established by law, as the case may be, shall supervise, inspect and control highways and road work pertaining to local highways.

**Section 22.** The highway director or the entrusted person shall have the power and duty to control and inspect vehicles and traffic on a highway in accordance with this Act and, where no such provisions are contained herein, in accordance with the law on such matters.

**Section 23.** The highway officer shall have the powers and duties to:

- (1) oversee that this Act is not violated;
- (2) order a vehicle to halt for inspection, when believing that an offense under this Act is committed;
- (3) arrest an offender under this Act while the offense is being committed and deliver him to the administrative or police officer for legal action.

In the performance of duties pursuant to paragraph one, the highway officer shall present his or her identity card to those concerned.

The identity card of the highway officer shall be in the form prescribed in Ministerial Regulation.

**Section 24.** In the performance of duties under this Act, the highway officer shall be an officer under the Penal Code.

**Section 25.** For special highways, national highways and concession highways, the Director-General of the Department of Highways shall have the power to prescribe standards and characteristics of highways and road work, including fixing the highway boundaries, parking areas, tree row distance and cable poles.

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<sup>12</sup> Section 20 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>13</sup> Section 21 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

**Section 26.**<sup>14</sup> For rural highways and local highways, the Director-General of the Department of Rural Roads shall have the power to prescribe standards and characteristics of highways and road work, including fixing the highway boundaries, parking areas, tree row distance and cable poles, as well as conducting technical control and training of technician officials on highway and road work.

**Section 27.** With the exception of concession highways, construction of a new highway or expansion of a highway in any category shall be within the power and duty of the highway director of that category.

**Section 28.** In case of necessity in the interest of road work or of traffic on a highway, the highway director or the entrusted person shall have the power to close traffic on the entire route or part of that highway temporarily and to lay down regulations for the officials to close traffic from time to time for safety.

**Section 29.** In case of necessity in the interest of road work, the highway director or the entrusted person shall have the powers to:

(1) temporarily use land free of buildings and next to a highway which is in the possession of any person;

(2) temporarily use and occupy objects for use in road work which is on the land of any person, including construction of a passage into any land for use and occupation of objects for road work.

Before actions pursuant to (1) or (2) are taken, the highway director or the entrusted person shall notify the land owner or occupant in writing thereof not less than seven days in advance.

**Section 30.** For the purpose of warding off emergent public disaster, the highway director or the entrusted person shall have the power to use land or occupy objects for use in road work in the possession of any person in the area of the disaster or adjacent thereto to the extent necessary in the interest of road work, and shall have the power to compel labour of people, beasts of burden or vehicles, including machines, tools and equipment, for road work.

Compulsion pursuant to paragraph one and the rates of wages or remuneration shall be as prescribed in a Royal Decree.

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<sup>14</sup> Section 26 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

**Section 31.** For the purpose of warding off an emergent public disaster, the Director- General of the Department of Highways shall have the power to occupy a concession highway and, in such case, all rights and powers of the concessionaire to issue orders shall become those of the Director-General of the Department of Highways until the disaster ends.

**Section 32.**<sup>15</sup> In the interest of road work, the highway director or the entrusted person shall have the power to, as necessary, build or correct a drainage passing a highway, or build or correct a drainage from a highway, to deviate water to a nearby public water source.

The highway director or the entrusted person shall announce the boundary lines within which the drainage is to be built or corrected together with the plan therefor, and the announcement shall be posted in the vicinity where the building or correction is to be carried out, and written notice shall be given to the owner or possessor of the land or property in the said boundary, not less than ninety days before a public hearing of interested persons and agencies concerned is organized in support of the highway director's or the assignee's consideration of the building or correction of the drainage.

After having organized the public hearing under paragraph two, the highway director or the entrusted person shall determine the boundary lines within which the drainage is to be built or corrected, and written notice shall be given to the owner or possessor of the land or property at least sixty days before doing such act, and the owner or possessor of the land or property shall have the right to appeal to the Minister within thirty days of the date of receipt of the written notice.

Where it is necessary to ward off an emergent public disaster and for the purposes of the road work, the highway director or the entrusted person shall have the power to proceed pursuant to paragraph one forthwith, provided that a written notice shall be given to the owner or possessor of the land or property without delay.

In performing duties under paragraphs one and paragraph four, the highway director or the entrusted person shall present his or her identity card to the persons concerned.

**Section 33.** If damage was caused to the land owner or possessor or other right holder by an action taken by the highway director or the entrusted person pursuant to section 29 (1) or (2), section 30 paragraph one or section 32, the provisions of the law on

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<sup>15</sup> Section 32 is amended by the Highways Act (No. 2) B.E. 2549 (2006)



expropriation of immovable property governing compensation determination shall apply *mutatis mutandis*.

**Section 34.** The highway director or the entrusted person has the power to carry out road work joining, passing on, covering, over or under a railway or waterway, but must notify the person controlling such railway or waterway in writing together with a copy of the construction plan not less than thirty days in advance.

**Section 35.** Where deemed expedient, the Director-General of the Department of Highways has the power to construct a special highway or a national highway joining, passing on, covering, over or under a highway of another category. In such case, such highway of another category, in its entirety or in part, shall be under the supervision, inspection and control of the Director-General of the Department of Highways or his or her assignee.

**Section 36.**<sup>16</sup> Materials, machines, tools and equipment for use in road work belonging to the government authority or local administration organization shall be non-leviable asset.

## PART 2

### Control, Maintenance, Expansion and Conservation of Highway Area

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#### CHAPTER I

#### CONTROL OF HIGHWAYS

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**Section 37.** No person shall construct a way, road or any other thing within a highway area as an entrance to or exit from a highway, except with written permission from the highway director or the entrusted person. In granting permission, the highway director or the entrusted person may stipulate any condition and shall have the power to prescribe measures for environmental conservation, prevention of accidents and traffic congestion.

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<sup>16</sup> Section 36 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

The permission under paragraph one may, when it is necessary for the road work or when it appears that the person so permitted breaches the conditions imposed in the permission, be revoked by the highway director or the entrusted person.

As regards a way, road or any other thing constructed without permission, or the stipulated conditions of which were not complied with, the highway director or the entrusted person has the power to order the person to demolish or destroy the same within a reasonable period and, in the event of noncompliance, to demolish or destroy the same whereby the person cannot claim damages and must bear the cost therefor.

**Section 38.** No person shall install, hang, place or pile up anything within a highway area in a manner that obstructs or may be dangerous to vehicles or that will cause damage to the highway or inconvenience to road work, except with the written permission from the highway director or the entrusted person. In granting permission, the highway director or entrusted person may impose any condition.

The permission under paragraph one may, when it is necessary for the road work or when it appears that the person so permitted breaches the conditions imposed in the permission, be revoked by the highway director or the entrusted person.

If an act pursuant to paragraph one was made without permission or without compliance with the stipulated conditions, the highway director or the entrusted person has the power to order the person to tear down, destroy or remove the same within a reasonable period and, in the event of noncompliance, to tear down, destroy or remove the same whereby the person cannot claim damages and must bear the cost therefor.

**Section 39.** No person shall block a highway or place a pointed or edged article or a barrier on a highway or act in any way on a highway that may be dangerous or cause damage to vehicles or persons.

**Section 39/1.**<sup>17</sup> No person shall drain water into the highway area, which may cause damage to the highway, unless written permission is obtained from the highway director or entrusted person. In granting permission, the highway director or entrusted person may impose any condition.

The permission under paragraph one may, when it is necessary for the road work or when it appears that the person so permitted breaches the conditions imposed in the permission, be revoked by the highway director or entrusted person.

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<sup>17</sup> Section 39/1 is added by the Highways Act (No. 2) B.E. 2549 (2006)

In draining water without permission or without compliance with the imposed conditions, the highway director or entrusted person has the power to order the drainer to abstain from draining water into the highway area immediately, or to remove or block the drainage within a reasonable time. If such person fails to comply with the order, the highway director or entrusted person shall have the power to remove or block such drainage, whereby such person cannot claim damages and must bear the cost therefor.

**Section 40.** No person shall damage, destroy, conceal, change, write on, move, remove or otherwise cause to be useless traffic signs, road signs, signal marks, traffic lights, signal devices, safety equipment, fences, survey posts, boundary posts or distance posts installed or caused to exist by the officials within a highway area.

**Section 41.** The highway director has the power to forbid any person from stopping, parking or turning around any vehicle in a traffic lane or shoulder in the whole or part of any highway by putting up a notice or sign to that effect within the area of that highway.

**Section 42.**<sup>18</sup> If the engine or equipment of any vehicle fails or is damaged to a standstill in a traffic lane, the vehicle user under the condition and circumstance in which the vehicle can be moved shall move the vehicle to park on the shoulder or, if there is no shoulder, on the leftest in a manner not obstructing the traffic, and such vehicle shall be brought out of the traffic lane or shoulder as soon as possible.

In the case under paragraph one, if it is necessary to stop or park the vehicle on the traffic lane or shoulder, the vehicle user shall display any sufficient sign or signal for other vehicle users to clearly see such stopped or parked vehicle at a distance of not less than one hundred and fifty meters. If such event occurs when the light is insufficient for other vehicle users to clearly see the stopped or parked vehicle at a distance of not less than one hundred and fifty meters, light must be switched on or fire must be lit to make such vehicle visible.

The highway director or the entrusted person shall have the power to remove the vehicle under paragraph one, and the provisions of section 42/1 shall apply *mutatis mutandis*.

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<sup>18</sup> Section 42 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

**Section 42/1.**<sup>19</sup> The highway director or the entrusted person shall have the power to remove the vehicle stopped or parked in a manner which may cause danger to other vehicles or to the road users or in violation of the provisions of this Act.

In removing the vehicle under paragraph one, the highway director or the entrusted person shall not be responsible for any damage arising from the act under paragraph one, unless such damage is caused by willful act or gross negligence.

The driver or the vehicle owner shall pay the cost of removal of, and fee for maintenance of, the vehicle while in possession of the highway director or the entrusted person, at the rates prescribed in Ministerial Regulation.

Proceeds from the driver or vehicle owner under paragraph three need not be remitted to the Ministry of Finance, and shall be the expense in the performance under this Section according to the regulations prescribed by the Director-General of the Department of Highways.

If the driver or vehicle owner fails to pay the cost and the maintenance fee under paragraph three, the highway director or the entrusted person shall have the power to retain such vehicle until the cost and the maintenance fee are received. During such retention, the maintenance fee shall be calculated on a daily basis. If at the expiration of a three-month period the driver or vehicle owner fails to pay the cost and the maintenance fee, the highway director or the entrusted person shall have the power to sell such vehicle by public auction by giving written notice thereof to the owner or possessor of the vehicle whose name appears in the register, or shall post such notice at the office of the highway director or the entrusted person if the name does not appear in the register, at least thirty days before the date of sale by public auction. The proceeds from the auction remaining after deduction of expenses in the auction and outstanding cost and maintenance fee shall be returned to the owner or the actual right holder.

**Section 43.** No person shall dig, remove, destroy or cause damage to a highway or materials for road work, unless permitted in writing by the highway director or the entrusted person.

**Section 44.** No person shall buy, sell or distribute things or solicit contributions in traffic lanes and shoulders.

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<sup>19</sup> Section 42/1 is added by the Highways Act (No. 2) B.E. 2549 (2006)

**Section 45.** No person shall discard garbage, refuse, waste water, sewage, rubble, dirt, sand or any other thing in a highway area, or otherwise cause garbage, refuse, rubble, dirt, sand to fall onto traffic lanes or shoulders.

**Section 46.** No person shall ride, lead, herd, let loose or rear animals on traffic lanes, footpaths or shoulders, except in compliance with the regulations stipulated by the highway director.

The highway director has the power to put up notice prohibiting any person from riding, leading, herding, letting loose or rearing animals within a highway area for the whole or part of the highway, unless permitted in writing by the highway director or the entrusted person. In granting such permission, the highway director may impose any condition.

Notice of the highway director pursuant to paragraph two shall be published in the Government Gazette.

**Section 47.**<sup>20</sup> No person shall construct buildings or any other thing within or intruding a highway area, unless permitted in writing by the highway director or the entrusted person. In granting such permission, the highway director or the entrusted person may impose any condition and shall have the power to prescribe measures for environmental conservation, prevention of accidents and traffic congestion.

The person so permitted under paragraph one shall pay fee for utilization of the highway area at the rates prescribed in Ministerial Regulation.

The permission under paragraph one may, when it is necessary for the road work or when it appears that the person so permitted breaches the conditions imposed in the permission, be revoked by the highway director or the entrusted person.

As regards buildings or any other thing constructed without permission or without compliance with the imposed conditions, section 37 paragraph three shall apply *mutatis mutandis*.

**Section 48.**<sup>21</sup> A person who needs to erect a post, place a cable, lay a pipe or do any act within a highway area must first be permitted in writing by the highway director or the entrusted person.

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<sup>20</sup> Section 47 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>21</sup> Section 48 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

In granting permission pursuant to paragraph one, the highway director or the entrusted person may impose any condition, and the person so permitted must pay fee for utilization of the highway area at the rates prescribed in Ministerial Regulation.

In the event that an act pursuant to paragraph one was done without permission or in violation of the conditions, section 37 paragraph three shall apply *mutatis mutandis*.

**Section 49.** When it is necessary to control the entrance to or exit from a highway for rapid and convenient traffic or for safety of traffic on a highway, no person shall perform any of the following activities on land by the side of the highway area for the whole or part of the highway:

(1) Construct or make an alteration or addition to a building of the category, kind or characteristics specified in Ministerial Regulation, a petrol station, gas station, car wash or check station, or erect an advertisement board within a distance of not more than fifteen meters from the highway boundary;

(2) Construct a shopping mall, stadium, sports field, theater, clinic or school, or organize a market, occasional market, fair or other activity causing a lot of people to gather, within a distance of not more than fifty meters from the highway boundary,

Unless written permission is obtained from the highway director or the entrusted person. In granting such permission, the highway director or the entrusted person may impose any condition.

Prescription of the whole or part of any highway on which no activity under paragraph one may be performed shall be made by a Royal Decree.

**Section 50.** Upon the Royal Decree pursuant to section 49 coming into force, if there is a building or other thing constructed or an activity organized without permission or compliance with the imposed conditions, the highway director or the entrusted person shall give written notice to the owner or occupant of the building or other thing to tear down such building or other thing within thirty days from the date of receipt of the written notice and, in the event of noncompliance, the highway director or the entrusted person shall have the power to tear down the same whereby such person cannot claim any damages and must bear the expenses therefor.

In case of a building or other thing being constructed or activity organized, if deemed appropriate, the highway director shall give written notice to the building owner or occupant to tear down the building or other thing or to alter the building's entrance and exit within a reasonable period and, in the event of noncompliance, the highway director or the entrusted person shall have the power to tear down the building or other thing or to

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alter the building's entrance and exit, as the case may be, whereby such person cannot claim any damages and must bear the expenses therefor. In this connection, the highway director or the entrusted person shall pay a fair compensation to the owner or occupant for such tearing down or alteration. If agreement cannot be reached, the provisions of the law on immovable property expropriation governing determination of compensation shall apply *mutatis mutandis*.

Before actions pursuant to paragraph one or paragraph two are taken, the highway director or the entrusted person shall notify the owner or occupant of the building or other thing in writing for a reasonable period in advance.

**Section 51.** The highway director or the entrusted person shall have the power to inspect the area in which an activity under section 49 or section 50 is performed.

Before inspection pursuant to paragraph one is made, the highway director or the entrusted person shall notify the owner or occupant of the building or other thing in such area in writing not less than three days in advance.

## CHAPTER II CONTROL OF SPECIAL HIGHWAYS

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**Section 52.** The Minister shall have the power to promulgate in the Government Gazette the designation of a highway to be constructed or in existence in its entirety or in part as a special highway.

**Section 53.**<sup>22</sup> The Director-General of the Department of Highways has the power to close an existing highway or any other road which a special highway cuts across.

In the event of closure of a highway or any other road under paragraph one, the Director-General of the Department of Highways shall provide a service road in place by designating or modifying an existing highway or any other road, or provide a new road for use as a service road, regardless of whether it is in the special highway area or not.

The service road derived from modifying an existing highway or any other road shall be the highway or any other road of its original category. The service road newly provided shall become a national highway.

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<sup>22</sup> Section 53 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

**Section 54.** A special highway director shall have the power to forbid certain types of vehicles or pedestrians from using a special highway in its entirety or in part by promulgation in the Government Gazette.

**Section 55.**<sup>23</sup> No person shall construct a way, road or any other thing within a special highway area as an entrance to or exit from, connection to, or passage through, the special highway.

For a way, road or any other thing constructed in violation of paragraph one, section 37 paragraph three shall apply *mutatis mutandis*.

**Section 56.**<sup>24</sup> No person shall construct a building or any other thing within or intruding a special highway area.

Any person who needs to make a construction or do any act into a special highway area shall obtain a written permission from the special highway director or the entrusted person. However, such act shall be an activity beneficial to the public and a passing through the special highway area to the extent necessary, and shall not be dangerous or cause inconvenience to the use of the special highway.

In granting permission pursuant to paragraph two, the special highway director or the entrusted person may determine the position and level for such construction or act and may impose any condition, and section 48 paragraph two shall apply *mutatis mutandis*.

Permission pursuant to paragraph two may, when it is necessary for road work, be revoked by the special highway director or the entrusted person.

If the person so permitted under paragraph two performs in breach of the conditions imposed in the permission, such permission shall terminate.

For a building or any other thing constructed in violation of paragraph one or without permission pursuant to paragraph two or in breach of the conditions imposed in the permission pursuant to paragraph three, section 37 paragraph three shall apply *mutatis mutandis*.

**Section 57.** Upon the Royal Decree pursuant to section 49 coming into force, if there is a building or any other thing on the land by the side of a special highway area, when it is deemed appropriate, the special highway director or the entrusted person shall give written notice to the owner or occupant of the building or any other thing on the land by the side of such special highway area to tear down or alter such building or other

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<sup>23</sup> Section 55 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>24</sup> Section 56 is amended by the Highways Act (No. 2) B.E. 2549 (2006)



thing within a reasonable period, failing which the special highway director or the entrusted person shall have the power to tear down or alter such building or other thing by giving written notice to the owner or occupant of such building or other thing within a reasonable period in advance, whereby the owner or occupant of such building or other thing cannot claim damages and shall bear the expenses therefor.

The special highway director or the entrusted person shall pay a fair compensation to the owner or occupant of the building or other thing for such tearing down or alteration. If agreement cannot be reached, the provisions of the law on immovable property expropriation governing determination of compensation shall apply *mutatis mutandis*.

**Section 58.** The provisions of Chapter I shall apply to the control of special highways *mutatis mutandis*, unless specifically provided for in this Chapter.

Office of the Council of States

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CHAPTER III  
MAINTENANCE OF HIGHWAYS

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**Section 59.** No person shall obstruct or change the direction of a waterway adjacent to a highway area or passing a highway in a land area at a distance of five hundred meters from the highway median line, except with the written permission of the highway director or the entrusted person.

In the event of a violation of paragraph one, the highway director or the officer appointed by the highway director to control the highway shall instruct the violator in writing to remove the obstruction or to correct the waterway within a reasonable period and, in the event of noncompliance, the highway director or the entrusted person shall have the power to effect removal or correction, whereby such person cannot claim any damages and must bear the expenses therefor.

**Section 60.** No person shall use a vehicle on a highway not yet opened as a public road, unless permitted by the officer controlling such highway or the concessionaire, as the case may be.

**Section 61.**<sup>25</sup> For the purposes of highway maintenance, the highway director has the power to publish in the Government Gazette a notice forbidding use on highways of vehicles that have a body weight, load weight or axle load exceeding the limit or that may damage the highway.

Notice of the highway director pursuant to paragraph one must be approved by the Director-General of the Department of Highways for special highways, national highways and concession highways or approved by the Director-General of the Department of Rural Roads for rural highways or approved by the provincial governor for local highways.

In case of an emergency or accident causing damage to a highway or making it unsafe to the traffic on a highway, the officer appointed by the highway director to control the highway shall have the power to give notice forbidding use of vehicles on the highway within the prescribed time, provided that the notice shall be posted at a public place of such emergency or accident.

**Section 62.** The owner or occupant of immovable property by the side of a highway shall keep trees, irrigation channel, check dam or buildings or other structures in his

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<sup>25</sup> Section 61 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

or her possession from obstructing traffic lanes or from causing damage to the highway. In this connection, the highway director or the officer appointed by the highway director to control the highway shall issue a notice to the owner or occupant of such immovable property to rectify such obstacles within a reasonable period.

If the owner or occupant of the immovable property fails to comply after receipt of such notice, the highway director or the officer appointed by the highway director to control the highway shall have the power to tear down, destroy or fell the same, whereby the said owner or occupant cannot claim any damages and must bear the expenses therefor.

**Section 63.**<sup>26</sup> The highway director shall, with the approval of the Minister, have the power to issue a written permission to the person who has been selected by bidding method to invest in provision or management of a pier, ferry boat, ferry vessel, rest area or any other structure in the highway area constructed for the benefit of road work or pedestrians, and the ownership of the thing so provided by such person shall be vested in the State.

Permission, prescription of rates of remuneration, time and conditions shall be in accordance with the rules and procedure prescribed in Ministerial Regulation.

#### CHAPTER IV

#### EXPANSION AND RESERVATION OF HIGHWAY AREAS

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**Section 64.** For a highway of any category with no clear boundary or with a boundary not up to the standard prescribed under section 25 or section 26, as the case may be, the Minister shall have the power to define the highway boundary and the reserved area on both sides thereof for construction or expansion of a highway by promulgation in the Government Gazette.

Any person wishing to erect any structure within such boundary pursuant to paragraph one may do so after obtaining permission from the highway director, but he shall not be entitled to compensation therefor upon construction or expansion of the highway.

The Minister may revoke the announcement defining of highway boundary or the reserved area pursuant to paragraph one in its entirety or in part by promulgation in the Government Gazette.

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<sup>26</sup> Section 63 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

**Section 65.** For the purposes of road work, the Minister has the power to reserve unoccupied land of the State by publishing an announcement in the Government Gazette.

The announcement pursuant to paragraph one shall be attached with a map or plan showing the area of land to be reserved.

Upon expiration of ninety days from the date of announcement without objection by any person, such land shall be under the custody of the highway director, and no person shall occupy, clear, make or construct any structure on, that land, unless permitted in writing by the highway director.

The Minister may revoke the reservation announcement pursuant to paragraph one in its entirety or in part by promulgation in the Government Gazette.

**Section 66.** If there is an application for permission for pre-emption of land by the side of a highway, the person empowered to grant permission shall order that a 20-meter-wide space at the right angle to the highway line be left as an access to the inner land. This space shall be at an interval of not less than five hundred meters and shall also be regarded as a highway.

Upon the establishment of a space pursuant to paragraph one, if there is a further permission for any person to pre-empt land, the person empowered to grant permission shall order the applicant for permission to leave a space along the original line.

After granting permission under paragraphs one or two, the person empowered to grant permission shall inform the highway director accordingly.

**Section 67.** A person who was given an order to leave a space pursuant to section 66 shall, within a period not exceeding thirty days from the date of receipt of such order, erect posts indicating the boundaries of such space at an interval of not more than one hundred meters, and it shall be his or her duty to keep such posts in order at all times.

If such person fails to comply with paragraph one, the highway director shall have the power to carry out that task at the expense of such person.

### Part 3

#### Prescription of Lines of Highways and Expropriation of Immovable Property for Highway Construction or Expansion<sup>27</sup>

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<sup>27</sup> Part 3, Prescription of Lines of Highways and Expropriation of Immovable Property for Highway Construction or Expansion, is amended by the Highways Act (No. 2) B.E. 2549 (2006)

**Section 68.**<sup>28</sup> For the purposes of highway construction or expansion, the highway director or entrusted person and a person who jointly works with the said person shall have the power to temporarily enter the land or immovable property which is not a residence of any person for preliminary survey to the extent necessary for such purpose, between sunrise and sunset. The highway director shall give written notice to the owner or possessor of such land or immovable property at least fifteen days prior to the date of commencement of such act. If such owner or possessor cannot be reached, announcement shall be made to the owner or possessor of the land or immovable property at least thirty days in advance. The announcement shall be made in writing and posted at a place where such land or immovable property is located and at the district office and at the office of the local administration organization where such land or immovable property is located. Date, time and the act to be carried out shall be included in such announcement.

If the implementation of this section causes damage to the owner or possessor of the land or immovable property or to other right holder, the provisions of the law governing immovable property expropriation in connection with compensation determination shall apply *mutatis mutandis*.

**Section 68/1.**<sup>29</sup> When it is necessary to acquire immovable property for highway construction or expansion, if it is not otherwise agreed on the transfer, expropriation shall be effected in accordance with the law on immovable property expropriation.

In case of transfer of immovable property acquired through no expropriation under the law on immovable property expropriation, fees, stamp duties and any expenses shall, similar to the case of acquisition of immovable property through expropriation under the law on immovable property expropriation, be exempted.

#### Part 4 Penal Provisions

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**Section 69.**<sup>30</sup> Any person who fails to comply with Ministerial Regulation issued under section 5 or fails to comply with section 42 shall be liable to a fine not exceeding five thousand baht.

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<sup>28</sup> Section 68 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>29</sup> Section 68/1 is added by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>30</sup> Section 69 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

**Section 70.**<sup>31</sup> Any person who fails to comply with the order or written notice of the highway director or the entrusted person or the officer appointed by the highway director to control highway or the highway officer, as the case may be, under section 23 (2), section 37 paragraph three, section 38 paragraph three, section 39/1 paragraph three, section 47 paragraph four, section 48 paragraph three, section 50 paragraph one or paragraph two, section 55 paragraph two, section 56 paragraph six, section 57 paragraph one, section 59 paragraph two or section 62 paragraph one shall be liable to imprisonment for a term of not exceeding three months or to a fine not exceeding five thousand baht or to both.

**Section 71.**<sup>32</sup> Any person who obstructs the performance of the highway director or the entrusted person or the officer appointed by the highway director to control highway or the highway officer, as the case may be, under section 29 paragraph one, section 30 paragraph one, section 32 paragraph one or paragraph four, section 37 paragraph three, section 38 paragraph three, section 39/1 paragraph three, section 47 paragraph four, section 48 paragraph three, section 50 paragraph one or paragraph two, section 51 paragraph one, section 55 paragraph two, section 56 paragraph six, section 57 paragraph one, section 59 paragraph two, section 62 paragraph two or section 68 paragraph one shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding ten thousand baht or to both.

**Section 72.**<sup>33</sup> Any person who violates section 37 paragraph one, section 38 paragraph one, section 39, section 39/1 paragraph one, section 43, section 45, section 47 paragraph one, section 48 paragraph one, section 55 paragraph one, section 56 paragraph one or paragraph two or section 65 paragraph three shall be liable to imprisonment for a term of not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

**Section 73.**<sup>34</sup> Any person who violates section 40 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding ten thousand baht or to both.

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<sup>31</sup> Section 70 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>32</sup> Section 71 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>33</sup> Section 72 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>34</sup> Section 73 is amended by the Highways Act (No. 2) B.E. 2549 (2006)

**Section 73/1.**<sup>35</sup> Any person who violates section 41, section 44, section 46 paragraph one, section 49 paragraph one, section 60 or section 64 paragraph two, or who violates a notice of the highway director under section 46 paragraph two or section 54 shall be liable to imprisonment for a term of not exceeding three months or to a fine not exceeding five thousand baht or to both.

**Section 73/2.**<sup>36</sup> Any person who violates section 59 paragraph one or who violates a notice of the highway director pursuant to section 61 paragraph one or notice of the officer appointed by the highway director to control highway pursuant to section 61 paragraph three shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding ten thousand baht or to both.

**Section 73/3.**<sup>37</sup> All offences under this Act which are only punishable by a fine may be settled by the highway director or the entrusted person by the way of payment. Upon payment by the offender of the settled amount of the fine within thirty days, the case shall be deemed settled under the Criminal Procedure Code.

#### Transitory Provisions

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**Section 74.** Provincial highways under the law on highways before this Act comes into force shall be changed to national highways under this Act.

**Section 75.** Before any Ministerial Regulation issued under this Act come into existence, the Ministerial Regulation issued under the Announcement of the Revolutionary Council No. 295 dated 28 November B.E. 2515 (1972) shall remain in force insofar as they are not inconsistent with or contrary to this Act until Ministerial Regulation under this Act are issued in their place.

**Section 76.** Royal Decrees defining land boundaries in an area to be expropriated, Royal Decrees defining a line of a highway to be constructed, Notifications of the Office of the Prime Minister and Notifications of the Ministry of Transport defining highways necessary to be urgently constructed issued under the Announcement of the

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<sup>35</sup> Section 73/1 is added by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>36</sup> Section 73/2 is added by the Highways Act (No. 2) B.E. 2549 (2006)

<sup>37</sup> Section 73/3 is added by the Highways Act (No. 2) B.E. 2549 (2006)

Revolutionary Council No. 295 dated 28 November B.E. 2515 (1972) shall remain in force throughout the term of the relevant Royal Decree.

If expropriation under the Immovable Property Expropriation Act for highway construction or expansion enacted by virtue of the Announcement of the Revolutionary Council No. 295 dated 28 November B.E. 2515 (1972) is not yet completed, it shall be continued under the Act Governing Immovable Property Expropriation B.E. 2530 (1987).

Countersigned by:

Anand Panyarachun  
Prime Minister

*Office of the Council of State*

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