Railway Law of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com

Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Railway Transport Business 2

Chapter III — Railway Construction 4

Chapter IV — Railway Safety and Protection 5

Chapter V — Legal Liability 6

Chapter VI — Supplementary Provisions 7

Adopted at the 15th Session of the Standing Committee of the 7th National People’s Congress on September 7, 1990

Amended according to the Decision on Amending the Railway Law of the People’s Republic of China adopted at the 12th Session of the Standing Committee of the 12th National People’s Congress on April 24, 2015

Effective: September 7, 1990 (as amended, April 24, 2015)

Table of Contents

- Chapter I — General Provisions
- Chapter II — Railway Transport Business
- Chapter III — Railway Construction
- Chapter IV — Railway Safety and Protection
- Chapter V — Legal Liability
- Chapter VI — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of safeguarding the lawful rights and interests of railway transport and railway construction, ensuring the smooth and safe operation of railway transport, meeting the needs of socialist modernization and public life, and promoting the development of the railway industry.

Article 2 — This Law shall apply to railway transport, railway construction, and railway safety and protection within the territory of the People’s Republic of China. For purposes of this Law, “railway” includes national railways, local railways, dedicated railways, and railway private sidings. National railways refer to railways

Source: https://www.danyoungcpa.com/railway-law-prc-1990-amended-2015-english-translation/

administered by the railway transport authority under the State Council. Local railways refer to railways administered by local people's governments. Dedicated railways refer to railways administered by enterprises or other entities for their own internal transport needs. Railway private sidings refer to branch lines administered by enterprises or other entities connecting to national railways or other railways.

Article 3 — The railway transport authority under the State Council shall be responsible for the administration of railways nationwide and shall exercise supervision and administration over national railways, local railways, dedicated railways, and railway private sidings. The State Council shall establish national railway transport enterprises to operate passenger and freight transport services in accordance with the law. Local railway transport enterprises established with the approval of the State Council and under the leadership of local people's governments shall administer local railways in accordance with the law.

Article 4 — The State shall focus on developing national railways and strongly support the development of local railways. Railway transport enterprises must adhere to the principle of serving the people and socialist construction, operate and manage railways in accordance with the law, improve transport management, ensure transport safety, and enhance service quality.

Article 5 — Citizens shall have the obligation to protect railway facilities. Damage to railway transport facilities and disruption of railway transport order shall be prohibited. Railway public security organs and local public security organs shall jointly maintain public security order along railway lines and at stations and on trains in accordance with their division of responsibilities.

Article 6 — The State encourages scientific and technological research in the railway sector and the adoption of new technologies, processes, materials, and equipment to improve the level of railway science and technology and promote railway modernization.

Chapter II — Railway Transport Business

Article 7 — Railway transport enterprises shall ensure the safety of passengers and goods and shall complete transport tasks on schedule. Railway transport enterprises shall comply with laws and administrative regulations and obey the unified dispatching and command of railway transport.

Article 8 — Railway transport enterprises shall, in accordance with national railway technical standards, formulate and implement rules and operating procedures for railway transport to ensure transport quality and transport safety.

Article 9 — Railway transport enterprises shall ensure the safety of passengers and goods. Passengers shall purchase tickets in accordance with regulations. If a passenger travels without a ticket or uses an invalid ticket, the railway transport enterprise shall have the right to require the passenger to pay the fare and may charge an additional fare in accordance with regulations. If a passenger refuses to pay, the railway transport enterprise may refuse the passenger transport service.

Article 10 — Railway transport enterprises shall ensure the safety of passengers and goods. Passengers shall comply with railway transport safety regulations, and shall not carry dangerous goods, flammable, or explosive items onto trains. Railway transport enterprises shall have the right to inspect passengers' luggage and articles carried.

Article 11 — Railway transport enterprises shall complete transport tasks in accordance with the time, quantity, and quality specified in the transport contract. If a railway transport enterprise causes damage to goods, baggage, or parcels during transport, it shall bear compensation liability in accordance with regulations.

Article 12 — Where railway transport contracts are not performed or are improperly performed due to force majeure such as natural disasters, the railway transport enterprise shall not bear liability, unless otherwise provided by law.

Source: https://www.danyoungcpa.com/railway-law-prc-1990-amended-2015-english-translation/

Article 13 — Railway transport enterprises shall adopt measures to ensure the safety of passengers and goods. Where personal injury or death of a passenger occurs during railway transport, the railway transport enterprise shall bear compensation liability; provided that if the personal injury or death is caused by the passenger's own fault, the railway transport enterprise shall not bear liability. Where personal injury or death is caused by a third party, the railway transport enterprise shall first compensate the passenger and may then seek recourse against the third party.

Article 14 — Railway transport enterprises shall be responsible for the delivery of goods, baggage, and parcels within the agreed period. If delivery is delayed, the railway transport enterprise shall pay liquidated damages in accordance with the contract or regulations. If goods, baggage, or parcels are lost, damaged, or deteriorated due to the fault of the railway transport enterprise, the railway transport enterprise shall bear compensation liability.

Article 15 — Where the consignor or passenger causes damage to railway transport facilities or other railway property, or causes loss to other railway transport enterprises or passengers, the consignor or passenger shall bear compensation liability.

Article 16 — Railway transport enterprises shall have a lien on the goods transported if the consignee fails to pay the transport charges and other fees. Where the consignee fails to pay within the time limit, the railway transport enterprise may dispose of the goods in accordance with law.

Article 17 — Railway transport rates and miscellaneous charges shall be formulated and administered by the price authority under the State Council in conjunction with the railway transport authority under the State Council, and shall be implemented upon approval by the State Council.

Article 18 — Railway transport enterprises must clearly display the types and standards of charges. Passengers and consignors shall have the right to know and to choose among services.

Article 19 — Railway transport enterprises shall, in accordance with the law, properly keep, use, and protect railway land and other railway property.

Article 20 — The transport of goods and the transport of baggage and parcels shall be handled in accordance with the relevant provisions of the State on railway cargo transport planning. Local railways and national railways shall handle through transport. Railway transport enterprises shall simplify procedures and reduce intermediate links to facilitate consignors and passengers.

Article 21 — Where railway lines and stations are operated for both passenger and freight transport, passenger transport shall be prioritized in principle. The railway transport authority under the State Council may, according to temporary transport needs, temporarily adjust railway transport plans.

Article 22 — Railway transport enterprises shall enhance operational management, improve service attitude, and elevate service quality. Railway transport enterprise staff shall wear uniforms and display service badges during work. Railway transport enterprise staff shall use civilized language and conduct themselves in a proper and dignified manner.

Article 23 — Railway transport enterprises shall adopt effective measures to ensure passenger and cargo safety during transport and shall properly address passenger complaints in a timely manner. Passengers shall be compensated for personal injury in accordance with State regulations.

Article 24 — Railway transport enterprises shall establish and improve rules and regulations, strengthen transport organization and management, strictly enforce labor discipline and operating procedures, and ensure the safety of railway transport.

Article 25 — Railway transport enterprises shall comply with relevant State provisions regarding railway train operations and shall operate in accordance with the prescribed timetable. Railway train operations shall not be arbitrarily altered.

Article 26 — Railway transport enterprises shall, in accordance with relevant State provisions, properly handle the relationship between railway transport and local economic development, and support local economic construction.

Chapter III — Railway Construction

Article 27 — Railway development planning shall be formulated in accordance with the needs of national economic and social development and the requirements of modernization of national defense construction, and in coordination with other modes of transport.

Article 28 — The planning and construction of railway lines, railway stations, and junction terminals shall be incorporated into urban and rural construction planning. Land for railway construction shall be included in the overall land use plan and shall be arranged in a coordinated manner.

Article 29 — Railway construction projects shall be carried out in accordance with the procedures prescribed by the State and relevant laws and administrative regulations. The survey, design, and construction of railway construction projects shall comply with national technical standards and safety protection requirements.

Article 30 — Railway construction shall adhere to the principle of adapting measures to local conditions and conducting work in a reasonable and economical manner. Railway construction shall economize on land use, protect arable land, and minimize land occupation.

Article 31 — Railway construction projects shall implement the project legal person responsibility system, the tendering and bidding system, the project supervision system, and the contract management system.

Article 32 — Railway construction must ensure quality. The survey, design, construction, and supervision entities for railway construction projects shall bear corresponding responsibilities for the quality of the projects in accordance with laws, administrative regulations, and relevant technical standards.

Article 33 — Railway construction projects shall be equipped with safety protection facilities, which shall be designed, constructed, and put into use simultaneously with the main project. Labor safety and health facilities shall comply with State-prescribed standards.

Article 34 — Land used for railway construction may be allocated by the people’s government at or above the county level in accordance with law. If the allocated land falls within the scope of urban planning areas, the railway transport enterprise shall go through land use procedures in accordance with the relevant provisions on urban planning.

Article 35 — Land used for railway construction shall be protected by law. No entity or individual may encroach upon or occupy land used for railway construction. Where railway land is truly necessary for other construction, the consent of the railway transport enterprise shall be obtained and relevant procedures shall be completed in accordance with law.

Article 36 — After a railway construction project is completed, it shall be subject to acceptance inspection in accordance with State-prescribed procedures. Only after passing the acceptance inspection may the project be put into operation. Defects discovered during acceptance inspection shall be rectified by the construction entity.

Article 37 — Upon completion, local railways, dedicated railways, and railway private sidings shall be filed for record with the railway transport authority under the State Council or an institution authorized by it.

Article 38 — The State encourages the construction of railway lines and supports the development of railway transport. Local people’s governments at all levels shall assist railway construction projects and create favorable conditions for them.

Source: https://www.danyoungcpa.com/railway-law-prc-1990-amended-2015-english-translation/

Article 39 — Railway bridges, culverts, and tunnels shall be built in accordance with national technical standards to ensure the passage of waterways, roads, and pedestrians. Where the construction of a new railway line intersects with or runs parallel to an existing railway line, expressway, national highway, provincial highway, waterway, pipeline, or power line, coordination shall be carried out in accordance with relevant State provisions.

Chapter IV — Railway Safety and Protection

Article 40 — Railway transport enterprises must strengthen safety management of railway facilities and railway transport to ensure the safety of railway transport. The public security organs of railways and local public security organs shall, in accordance with their division of responsibilities, maintain public security order in stations, on trains, and along railway lines, and protect the personal safety and property of passengers and cargo.

Article 41 — The design, manufacture, installation, use, inspection, and maintenance of railway rolling stock, signaling, communication, and other railway transport facilities shall comply with national technical standards and safety management regulations.

Article 42 — Railway transport enterprises shall conduct regular inspection and maintenance of railway lines, bridges, tunnels, signaling, communication, and other facilities. Any defects discovered shall be rectified promptly to ensure railway transport safety.

Article 43 — Railway transport enterprises shall carry out maintenance and repair of railway transport facilities to ensure that they are in good technical condition and to guarantee railway transport safety and smooth flow.

Article 44 — Railway transport enterprises shall establish and improve a railway transport safety management system, assign safety management personnel, and implement a safety production responsibility system.

Article 45 — Railway transport enterprises shall conduct safety education and training for employees so that they acquire the necessary knowledge and skills for railway transport safety. Employees in special operations shall obtain the appropriate qualifications in accordance with State regulations before commencing work.

Article 46 — Passengers shall comply with relevant railway safety management regulations, and shall not carry dangerous goods onto trains. If passengers carry dangerous goods, the railway transport enterprise shall have the right to refuse to transport them or to remove the dangerous goods from the train. If the carrying of dangerous goods causes damage to persons or property, the carrier shall bear compensation liability.

Article 47 — It shall be prohibited to illegally carry dangerous goods such as flammable, explosive, toxic, corrosive, or radioactive items on railway trains. It shall be prohibited to smuggle firearms, ammunition, controlled knives, or other articles prohibited by the State onto railway trains. Railway public security organs and railway transport enterprises shall conduct safety inspections of the persons and luggage of passengers entering railway stations and boarding trains. Passengers shall accept and cooperate with such safety inspections.

Article 48 — Where railway lines and railway bridges are found to be damaged or otherwise in a condition that endangers safety, railway transport enterprise staff shall immediately take measures to ensure transport safety and shall report to the relevant person in charge without delay.

Article 49 — Railway transport enterprises shall mark and protect railway land boundaries. No entity or individual may encroach upon railway land. Entities and individuals shall not excavate land, construct buildings, or engage in other activities affecting the stability of railway lines within railway land boundaries

Source: https://www.danyoungcpa.com/railway-law-prc-1990-amended-2015-english-translation/

and railway safety protection zones.

Article 50 — It shall be prohibited to set up level crossings without authorization on railway lines. For pedestrian and vehicular passage across railway lines, level crossings or overpasses and underpasses shall be constructed as needed. The establishment or removal of level crossings shall be subject to approval by the railway transport authority or an institution authorized by it.

Article 51 — It shall be prohibited to place obstacles on railway lines, or to throw objects at railway trains. It shall be prohibited to extract sand or quarry stone, borrow soil, or fly kites or other airborne objects within railway safety protection zones that affect the safety of railway transport.

Article 52 — It shall be prohibited to set up grain threshing grounds, heap articles, or set up stalls within railway line safety protection zones. It shall be prohibited to construct buildings or structures within railway safety protection zones without authorization.

Article 53 — Where the extraction of groundwater endangers the safety of railway lines, bridges, and tunnels, extraction shall be prohibited within the affected area. The scope of prohibition shall be determined by the railway transport authority under the State Council in conjunction with relevant departments.

Article 54 — Where the erection of electric power lines, communication lines, pipelines, cables, or other facilities crosses over or runs parallel to railway lines, the consent of the railway transport enterprise shall be obtained, and safety measures shall be taken.

Article 55 — Trees planted along railway lines shall be kept at a safe distance from railway lines and facilities. Where trees along railway lines endanger railway transport safety, the relevant entity or individual shall carry out pruning or felling. If the relevant entity or individual fails to do so within the prescribed time limit, the railway transport enterprise may carry out such pruning or felling at the expense of the relevant entity or individual.

Article 56 — Railway transport enterprises shall, according to needs, set up public security organs along railway lines to maintain public security order. The establishment and staffing of railway public security organs shall be approved in accordance with State regulations.

Article 57 — Where a railway traffic accident occurs, the railway transport enterprise shall take emergency rescue measures in accordance with the emergency rescue plan prescribed by the State and shall promptly report to the relevant departments. Relevant departments and local people’s governments shall actively cooperate and provide support.

Article 58 — Where the personal injury or death of a passenger or other person, or damage to property, is caused by a railway traffic accident, the railway transport enterprise shall bear compensation liability in accordance with relevant State provisions. If the accident is caused by force majeure or by the fault of the victim, the railway transport enterprise shall not bear liability.

Article 59 — Following a railway traffic accident, the railway transport enterprise shall properly handle the aftermath, promptly restore railway traffic, and conduct investigation and analysis of the cause of the accident. Entities and individuals involved in the accident shall truthfully provide relevant information.

Chapter V — Legal Liability

Article 60 — Where a railway transport enterprise, in violation of the provisions of this Law, causes a railway traffic accident or other safety incident, the railway transport authority shall order it to rectify the situation and may impose a fine in accordance with regulations. Where the circumstances are serious, the relevant responsible persons shall be subject to administrative sanctions in accordance with the law. If a crime is constituted, criminal liability shall be pursued in accordance with the law.

Source: https://www.danyoungcpa.com/railway-law-prc-1990-amended-2015-english-translation/

Article 61 — Where anyone carries dangerous goods onto a train in violation of regulations, the railway public security organ shall impose a public security administrative penalty in accordance with the law. If the circumstances are serious and a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 62 — Where anyone places obstacles on railway lines, dismantles or damages railway facilities, or steals railway equipment and materials, thereby endangering railway transport safety, the railway public security organ shall impose a penalty in accordance with the relevant provisions of the Regulations on Public Security Administration Punishments. If a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 63 — Where anyone, in violation of the provisions of this Law, encroaches upon railway land, constructs buildings or structures within railway safety protection zones, extracts groundwater, excavates land, or engages in activities affecting the stability of railway lines, the railway transport authority or local people's government shall order the cessation of the illegal activity, rectification within a time limit, restoration of the original condition, and may impose a fine.

Article 64 — Where anyone damages railway signal lights, signs, or other facilities, thereby endangering railway transport safety, the railway public security organ shall impose a penalty in accordance with the law. If a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 65 — Where a railway transport enterprise fails to perform its statutory duties, causing loss to passengers or consignors, it shall bear compensation liability. If the circumstances are serious, the railway transport authority may order it to suspend operations for rectification and impose a fine.

Article 66 — Where anyone violates railway safety management regulations and causes a railway traffic accident, they shall bear compensation liability for the resulting loss. If a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 67 — Where penalties are imposed in accordance with this Law, the entity or individual penalized may apply for administrative reconsideration or bring an administrative lawsuit in accordance with the law if dissatisfied with the penalty decision.

Article 68 — Staff members of railway transport enterprises who neglect their duties, abuse their authority, or engage in malpractice for personal gain shall be subject to administrative sanctions in accordance with the law. If a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VI — Supplementary Provisions

Article 69 — The State Council shall formulate measures for the implementation of this Law.

Article 70 — Where international railway through transport is handled in accordance with international treaties concluded or acceded to by the People's Republic of China, the relevant provisions of such international treaties shall apply, except where the People's Republic of China has declared reservations.

Article 71 — Military railway transport shall be separately prescribed by the State Council and the Central Military Commission.

Article 72 — Provisions on the administration of dedicated railways and railway private sidings shall be formulated by the State Council.

Article 73 — This Law shall apply to railway transport and railway construction in the Hong Kong Special Administrative Region and the Macao Special Administrative Region in accordance with the relevant provisions of the Basic Laws of these two regions and the decisions of the Standing Committee of the National People's Congress.

Article 74 — This Law shall come into force on May 1, 1991.

Source: https://www.danyoungcpa.com/railway-law-prc-1990-amended-2015-english-translation/

Disclaimer: This English translation is provided for reference purposes only and has been prepared by Dan Young Business Consultancy. While every effort has been made to ensure accuracy, this translation is not an official version and may not reflect the most recent amendments. The official Chinese text shall prevail in all legal matters. Dan Young Business Consultancy makes no warranty, express or implied, regarding the accuracy, completeness, or fitness for a particular purpose of this translation. Readers should consult qualified legal professionals for advice on specific legal issues. For official legal purposes, please refer to the original Chinese text published by the National People's Congress of the People's Republic of China.