

This English translation of the Railway Operation Act (Entered into force on March 16, 1900) has been made (up to the revisions of Act No. 19 of March 31, 2006) in compliance with the Standard Bilingual Dictionary (March 2007 edition).

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Railway Operation Act

(Act No. 65 of March 16, 1900)

Chapter 1: Railway Equipment and Facilities, and Railway Transportation

Article 1 (Railway Construction, Structure and Operation)

The construction of a railway, the structure and operation of rolling stocks shall be in accordance with the regulations stipulated under the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

Article 2 (Railway Transportation Ordinance)

(1) In addition to what is provided for under this Act and other specific laws and regulations, the specific matters of railway transportation shall be in accordance with the regulations stipulated under the Railway Transportation Ordinance.

(2) The Railway Transportation Ordinance shall be provided for by means of the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

Article 3 (Fare and Other Transportation Terms)

(1) Fare or any other transportation term may not be implemented without prior publication by a public notice at any relevant station.

(2) In the event where increment in fare or any transportation term is intended, the public notice in the preceding paragraph shall be made for 7 days or more.

Article 4 (Boarding of Patient with Contagious or Aggravated Disease)

- (1) No patient infected with a contagious disease may not be allowed on board any train unless otherwise such boarding is in accordance with the ordinance provided for by the Land, Infrastructure, Transportation and Tourism Minister.
- (2) The boarding by an unattended patient suffering from an aggravated disease may be rejected.

Article 5 (Transportation of Gunpowder and Other Dangerous Explosive Goods)

The transportation of gunpowder and any other dangerous explosives may be rejected unless otherwise a public notice on such transportation and handling has been made.

Article 6 (Prohibition Against Transportation Rejection)

- (1) In the case where a cargo fulfils all of the items set out hereunder, the transportation of the cargo may not be rejected.
 - (i) The consignor of the cargo observes all the laws, regulations and other provisions on the railway transportation.
 - (ii) No special condition is requested by the consignor of the cargo upon the transportation thereof.
 - (iii) The transportation is not on the contrary to any provision under any law or regulation or good public order or custom
 - (iv) The cargo is compliant with any existent law or regulation and is befit to the transportation of the railway.
 - (v) No hindrance to the transportation thereof due to any natural disaster or other unavoidable cause is existent.

(2) The Provisions under the preceding paragraph shall apply mutatis mutandis to passenger transportation.

Article 7 (Acceptance of Cargo Transportation Requiring Special Equipment)

A railway shall have an obligation to accept a cargo that requires special equipment upon the transportation thereof only if the railway is furnished with such equipment.

Article 8 (Limitation on the Obligation to Accept Cargo of a Railway)

A railway shall have an obligation to accept a cargo only if the railway is capable of immediately executing the transportation of the cargo.

Article 9 (Order of Transportation)

Cargos shall be required to be transported in order of the acceptance thereof; provided, however, that the foregoing shall not apply in the case of due cause concerning the transportation or of requirements concerning public interest.

Article 10 (Clear Declaration and Inspection of the Class and Nature of Cargos Etc.)

(1) A railroad may request the consignor of a cargo to clearly declare the class and nature of the cargo, and may inspect the cargo with the consignor's attendance in case of a doubt pertaining to the class or nature of the cargo.

(2) A railroad shall be held responsible for the payment of any cost of the inspection and the compensation of any damage incurred from the same only if the class and nature of the cargo are not found different from those declared by the consignor thereof in the inspection.

(3) The provisions under the preceding two paragraphs shall apply mutatis mutandis to the cases where gunpowder or any other dangerous explosive good contained in a luggage against any existent law or regulation is suspected.

Article 11 (Indication of Required Compensation Amount)

(1) A passenger or consignor may indicate the required compensation amount by making a payment for the premium pursuant to the provisions under the Railway Transportation Ordinance upon the consignment of his/her luggage or cargo.

(2) In the case where the indicated amount pursuant to the provision of preceding paragraph exceeds the price as at the delivery at the destination on the expiration date of the delivery term of the consigned luggage or cargo, or the case where the delivery has been failed and the indicated amount exceeds the sum of the possible damages incurred by the passenger or consignor, such indicated amount shall be nullified with respect to the amount in excess.

Article 11-2 (Compensation for Damage)

(1) Upon assigning responsibility for the compensation of the damage incurred from

the loss or damage of the luggage or cargo with an indication of required compensation amount, the railway shall be held responsible for any and all such losses or damages within the limit of such indicated compensation amount; if the railway has failed to prove that the damage does not amount to one of the amount set out under the items hereafter, as the case may be, in the case of the foregoing, the railway may not be exempted from the payment of such amount.

(i) In the case of total loss, the indicated amount;

(ii) In the case of partial loss or damage, the indicated amount multiplied by the proportional value of the reduction in the price computed based on the price as at the delivery (or on the expiration date of the delivery term if the arrival is delayed) at the destination.

(2) In the case where a passenger or consignor has not indicated the required compensation amount with respect to a consigned luggage, valuable good or animal, a railway shall not be held responsible for the compensation of the damage incurred from the loss or damage to the extent over the maximum amount as stipulated under the Railway Transportation Ordinance.

(3) The limitation of the compensation amount set forth in the preceding two paragraphs shall not apply if such luggage or cargo has been lost or damaged due to the bad faith or gross negligence of the railway.

Article 12 (Delayed Arrival)

(1) The delivery of a consigned luggage or cargo after the expiration of its delivery term shall be referred to as a delayed arrival.

(2) The delivery term shall be in accordance with the stipulation under the Railway Transportation Ordinance.

(3) Upon assigning responsibility for the compensation of the damages incurred from the delayed arrival, the railway shall be held responsible for any and all the damages to the one of the maximum amounts set out hereafter, as the case may be, pursuant to the provisions under the Railway Transportation Ordinance.

- (i) In the case where a required compensation amount is indicated, the indicated amount.
 - (ii) In the case where no required compensation amount is indicated, the amount of the fare of the luggage or cargo.
- (4) The limitation of the compensation amount set forth in the preceding two paragraphs shall not apply if such luggage or cargo has been lost or damaged due to the bad faith or gross negligence of the railway.

Article 13 (Delayed Arrival Exceeding a Certain Period and the Rights of Passenger or Lessor)

- (1) In the case where a railway has failed to deliver a luggage or cargo for 1 month following the expiration of the delivery period, a passenger or lessor may claim the damages incurred from loss; provided, however, that the foregoing shall not apply if the railway is not to be held responsible for such failure to deliver.
- (2) In the event where a person who has awarded the compensation for the damages pursuant to the provision of the preceding paragraph subsequently made a reservation thereof, the person may accept the delivery of his/her consigned luggage or cargo by refunding the compensation in reserve no later than 1 month after the arrival notice of the luggage or cargo.

Article 13-2 (Ownership of Cargos Etc. with Unascertainable Consignee Etc.)

In the case where the owner of a cargo with its consignee and consignor unascertainable have not been identifiable after 6 month from the public notice thereof pursuant to the provision by the Land, Infrastructure, Transportation and Tourism Minister, a railroad shall obtain the ownership thereof; the same shall apply for consigned luggage and goods in temporary custody.

Article 13-3 (Disposition of Undeliverable Cargos)

- (1) In the case where a railway is incapable of delivering a cargo due to a cause not attributable to the railway, the railway may deposit the cargo with a warehouse business at the lessor's cost.
- (2) In the case where a railway has deposit a cargo with a warehouse business, the

railway shall be required to notify without delay the consignor and consignee thereof about the deposition.

(3) If a railway has a warehouse receipt issued in the case where the railway has deposited the cargo, the railway may substitute the delivery of the cargo by the delivery of the warehouse receipt.

(4) A railway may withhold the warehouse receipt until the railway receives the payment for the costs under paragraph 1 of this Article.

(5) The provisions under the preceding four paragraphs shall apply mutatis mutandis to the case where no claim has been made for a cargo within the delivery term thereof.

Article 14 (Prescription of Claim for Fare Reimbursement)

A fare reimbursement claim not exercised over 1 year shall be expired by prescription.

Article 15 (Boarding and Railway Ticket)

(1) No passenger may be on board any train without obtaining a railway ticket by paying fare unless otherwise stipulated for the purpose of operation.

(2) A person who has obtained a train ticket may be on board a train provided a seat is vacant in the train.

Article 16 (Fare Reimbursement)

(1) In the case where a passenger has aborted a travel prior to boarding on a train, the passenger may claim for reimbursement for the fare pursuant to the provisions under the Railway Transportation Ordinance.

(2) In the event where a trip is aborted subsequent to the commencement thereof, no fare reimbursement may be claimed.

Article 17 (Cancellation of Contract)

In the case where the commencement or continuance of a transportation has become impossible due to a compelling cause such as a natural disaster or incident, a passenger or consignor may cancel his/her contract; in the case of the foregoing, the

passenger or consignor may claim his/her costs including the fare in proportion to the travel that made prior to the cancellation.

Article 18 (Ticket Inspection and Additional Rate)

- (1) A passenger shall be inspected by presenting his/her train ticket whenever he/she is requested by a railway staff.

- (2) A person who is not in possession of a valid train ticket or rejects a ticket inspection, or otherwise refuses to return his/her ticket upon collection shall be charged with additional fare rate pursuant to the provision under the Railway Transportation Ordinance.

- (3) If the station where the person boarded a train in the case of the preceding paragraph is unidentified, the fare shall be calculated from the station of origin of the train; If the class the person has been boarding is unidentified in the case of the preceding paragraph, the fare shall be calculated based on the fare for the highest class available on the train.

Article 18-2 (Cross-modal Transportation with Railway and Other Transportations)

Provisions under Articles 3, 6, 13, 14, 15, 18 shall apply mutatis mutandis to any vessel, railway, automobile, or cableway in the case where it is included in a cross-modal transportation with railway.

Article 18-3

- (1) In the case where a cross-modal transportation with a train and a vessel, the consignor of the transportation shall issue a bill of carriage upon request for each transportation mode.

- (2) In the case of the foregoing, a bill of lading shall be issued for each transportation mode upon the request of the consignor of the transportation.

- (3) The provisions on the bill of carriage and the bill of lading for the railway transportation shall apply mutatis mutandis to the bill of carriage and the bill of lading in the preceding two paragraphs.

Article 18-4

The transportation sections by vessels and its transport operators where the provision under Article 2 is applicable shall be designated by the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

Chapter 2: Railway staff

Article 19 (Staff Organization)

The staff organization of railway staff shall be stipulated by the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

Article 20 (Service Rules)

A railway business operator shall establish service rules for its railway staff.

Article 21 (Qualifications)

The Land, Infrastructure, Transportation and Tourism Minister may establish qualifications to serve as railway staff.

Article 22 (Service Uniforms)

A railway staff engaging into the service for the passengers and public shall wear a service uniform.

Article 23

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Article 24 (Penal Provisions)

A railway staff who has committed misconduct against a passenger or public on his/her duty shall be punished by a fine or petty fine not more than 30 yen (20,000 yen.)

Article 25

A railway staff who has engaged in a conduct that departs from his/her professional obligation, or who has engaged in a conduct where he/she has neglected his/her duties and thereby running a risk of exposing a passenger or public to hazard shall be punished by imprisonment with work for 3 months or less or a fine not more than 500 yen (20,000 yen.)

Article 26

A railway staff that has compelled passengers to board a train over the capacity thereof shall be punished by a fine or petty fine not more than 30 yen (20,000 yen.)

Article 27

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Article 28

A railway staff who has failed to reopen a rail road crossing or who has retained an automobile or other material within the rail road crossing without due cause, thereby obstructing the traffic shall be punished by a fine or petty fine not more than 30 yen (20,000 yen.)

Chapter 3: Passengers and Public

Article 29 (Penal Provisions)

A person who has engaged in any of the conducts set out hereunder without authorization by a railway staff shall be punished by a fine or petty fine not more than 50 yen (20,000 yen.)

- (i) Boarding a train without a valid train ticket;
- (ii) Boarding in a class that is superior to the class designated on his/her train ticket;
- (iii) Failing to leave a train at the station designated on his/her train ticket.

Article 30

A person who has falsely declared the class or nature of consigned luggage or a cargo shall be punished by a fine or petty fine not more than 50 yen (20,000 yen;) the same shall apply for a person who falsely impersonated himself upon the purchase of his/her inscribed train ticket.

Article 30-2

No prosecution may be instituted for any conducts under the preceding two Articles without a complaint filed by the railway.

Article 31

A person who has consigned gunpowder and other dangerous explosive goods or who has carried the same on board a train violating a law or regulation on railway

transportation shall be punished by a fine or petty fine not more than 50 yen (20,000 yen.)

Article 32

A person who has abused the security alarm of a train shall be punished by a fine or petty fine not more than 50 yen (20,000 yen.)

Article 33

A passenger who has engaged into any of the conducts set forth under the items hereunder shall be punished by a fine or petty fine not more than 30 yen (20,000 yen.)

- (i) boarding or leaving a train while the train is under operation.
- (ii) Opening a door located on the side of a rolling stock while the rolling stock is under operation.
- (iii) Boarding a train at the part thereof not offered for the passenger use.

Article 34

A person who has engaged into any of the conducts set forth under the items hereunder without acting pursuant to a restrain instruction shall be punished by a petty fine not more than 10 yen.

- (i) Smoking a cigarette in an area of a railway premises or a rolling stock where smoking is prohibited.
- (ii) Any gentleman's entry in a waiting room or a compartment designated for ladies.

Article 35

A person who has engaged into solicitation for a donation or a purchase of goods from a passenger or public, or distributed goods among passengers or public, or otherwise speech or inducement in a station or other railway premises without a permission of a railway staff shall be punished by a petty fine.

Article 36

- (1) A person who has engaged into the falsification, destruction, or removal of the sign or posting, or extinguished a light or disabled the use thereof in a rolling stock, station, or other railroad premises shall be punished by a fine or petty fine not more than 50 yen (20,000 yen.)

(2) A person who has engaged into the falsification, destruction, or removal of a signal device shall be punished by imprisonment with work for not more than 3 years.

Article 37

A person who has trespassed in a station or other railway premises without due cause shall be punished by a petty fine not more than 10 yen.

Article 38

A person who has obstructed a railway staff in executing his/her duty by assault or intimidation shall be punished by imprisonment with work for not more than 1 year.

Article 39

A person who has discharged a firearm in a station or other railway premises shall be punished by a fine or petty fine not more than 30 yen (20,000 yen.)

Article 40

A person who has cast a tiling or stone against a train shall be punished by a petty fine.

Article 41

(1) A person who have made a patient (infected with a contagious disease) board on a train in violation of the provision under Article 4 shall be punished by a fine or petty fine not more than 100 yen (20,000 yen;) the same shall apply for a patient who has been infected with a contagious disease and has concealed such disease and boarded on a train.

(2) In the case of the foregoing, the fare previously paid shall not be reimbursable regardless of the fact that such person or patient has made to leave the train prior to the completion of his/her travel.

Article 42 (Deportation from Rolling Stock or Railway Premises)

(1) In any of the cases set out under the items hereafter, a railway staff may cause a passenger or public to deport from a rolling stock or railway.

(i) The case where the passenger or public does not have or do not have a valid train ticket, or refused the inspection, or does not agree to pay his/her fare.

- (ii) The case where the passenger or public commits an offense under Article 33, Item 3 and does not act pursuant to the restrain instruction given by a railway staff or commits an offense under Article 34.
 - (iii) The case where the passenger or public commits an offense under Article 35 and/or Article 37.
 - (iv) The case where the passenger or public has engaged into any other act that obstructed the order on board a train.
- (2) In the case of the preceding paragraph, the fare previously paid shall not be reimbursable.

Article 43

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Article 44

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Article 45 (Effective Date)

The date where this Act enters into effect shall be determined by the Imperial Ordinance.