

**NATIONWIDE SHINKANSEN RAILWAY DEVELOPMENT ACT**

(Act No. 71 of May 18, 1970)

(As last amended by the Act No. 180 of December 18, 2002)

This English translation of National Shinkansen Railway Development Act (Entered into force on May 18, 1970) has been prepared (up to the revisions of Act No. 180 of 2002 (Entered into force on December 18, 2002)) in compliance with the Standard Bilingual Dictionary March 2008 edition.

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# NATIONWIDE SHINKANSEN RAILWAY DEVELOPMENT ACT

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(As last amended by the Act No. 180 of December 18, 2002)

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## CHAPTER 1 GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to strive for the development of nationwide Shinkansen railway network in consideration to the significance of the functions of established high-speed transportation network in the comprehensive and universal development across the national territory, thereby contributing to the development of the national economy, expansion of the livelihood domain of the citizenry, and the promotion of the regions.

### Article 2 (Definitions)

The term "Shinkansen railway" as used in this Act means an artery railway that is capable of operating at the speed of two hundred kilometers per hour (200km/h) or more in its predominating section.

### Article 3 (Shinkansen Railway Routes)

The Shinkansen railway routes shall be such that can sufficiently establish a nationwide artery railway network, and that connects the major urban areas nationwide in an organized and efficient manner, and that can accomplish the purpose as set forth in the preceding Article 1.

## CHAPTER 2 SHINKANSEN RAILWAY CONSTRUCTIONS

### Article 4 (Basic Plan)

- (1) The minister of Land, Infrastructure, Transportation, and Tourism shall deliberate upon the trend in the demand for railway transportation, the overriding priority in the national land development policy and other matters required in effectively developing the Shinkansen railways, and determine pursuant to a Cabinet Order a basic plan (hereinafter referred to as “Basic Plan”) that stipulates the routes the construction of which shall be commenced (hereinafter referred to as “Construction Line”)
- (2) In the event where the Minister of Land, Infrastructure Transportation and Tourism has determined the Basic Plan pursuant to the provision of the preceding paragraph, the Minister shall publicly notify thereof. The same shall apply where it has been revised.

Article 5 (Instruction to Research on the Construction Line)

- (1) In the event where the Minister of Land, Infrastructure Transportation and Tourism has determined the Basic Plan pursuant to the provision of the preceding paragraph, the Minister may instruct Japan Railway Construction, Transport and Technology Agency (hereinafter referred to as “JRTT”) and any other juridical person that is designated by the Minister that JRTT or the juridical person that is nominated by the Minister shall implement the surveys required with respect to the construction of the Construction Line. The same shall apply where it has been revised.
- (2) If the Minister of Land, Infrastructure, Transport and Tourism intends to implement such designation as set forth in the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism shall consult with the juridical person (except for JRTT) that is intended to be designated and obtain the consent of the juridical person prior to the designation.

Article 6 (Designation of operator and constructor)

- (1) The Minister of Land, Infrastructure, Transport and Tourism may designate a juridical person who undertakes the operation of the Construction Line (hereinafter referred to as an “Operator”) and a juridical person who undertakes the construction of the same (hereinafter referred to as a “Constructor.”)
- (2) Such designation of an Operator or a Constructor pursuant to the

provision of preceding paragraph may be for a certain subdivided section of the Construction Line.

- (3) JR TT or a juridical persons that is intended to be designated as the Operator pursuant to the provision of preceding Paragraph 1 or any other juridical person shall be designated as the Constructor pursuant to the provision of the said Paragraph.
- (4) If the Minister of Land, Infrastructure, Transport and Tourism intends to designate an Operator pursuant to the preceding Paragraph 1, the Minister of Land, Infrastructure, Transport and Tourism shall consult, in advance and pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, with the juridical person that is intended to be designated and obtain the consent thereof.
- (5) If the Minister of Land, Infrastructure, Transport and Tourism intends to designate a Constructor pursuant to the preceding Paragraph 1, the Minister of Land, Infrastructure, Transport and Tourism shall consult, in advance and pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, with the juridical person (other than JR TT) that is intended to be designated and the juridical person that is other than the juridical person that is intended to be designated and is intended to be designated as the Operator pursuant to the provision of the said Paragraph, and obtain the consents thereof.
- (6) The juridical person intended to be designated as the Operator or Constructor pursuant to the provision of Paragraph 1 of this Article shall be a juridical person that is accredited with its ability to appropriately implement the operation or construction concerned by itself.

#### Article 7 (Development Plan)

- (1) The Minister of Land, Infrastructure, Transport and Tourism shall determine the development plan (hereinafter referred to as “Development Plan”) on the construction of the Construction Line provided for in the Basic Plan based on the research under Article 5, Paragraph 1 and pursuant to the provision on the Cabinet Order.
- (2) If the Minister of Land, Infrastructure, Transport and Tourism intends to determine a Development Plan pursuant to the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism shall consult in advance with the Operator and Constructor (except for

JRTT) and obtain the consent thereof concerning the Development Plan. The same shall apply where a Development Plan is intended to be revised.

- (3) Upon a proposal by the Operator or Constructor to change a Development Plan, the Minister of Land, Infrastructure, Transport and Tourism, when he/she finds it appropriate, shall implement procedure to change the Development Plan.

#### Article 8 (Instruction to Construct the Construction Line)

Upon the determination of a Development Plan pursuant to the provision of the preceding article, the Minister of Land, Infrastructure, Transport and Tourism shall instruct the Constructor to construct the Construction Line under the said article based on the Development Plan. The same shall apply where the Development Plan has been revised.

#### Article 9 (Construction Implementation Plan)

- (1) If a Constructor intends to implement the construction of the Construction Line in accordance with the instruction pursuant to the preceding article, the Constructor shall prepare based on the Construction Plan a Construction Implementation Plan that sets out the name of the Line, the section of the construction, construction method, and other matters as specified by the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism concerning the Construction Line and obtain an approval thereof. The same shall apply where the construction implementation plan is intended to be revised.
- (2) The drawings indicating the location of the railroad track, and other documentation that is designated by the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism shall be attached to the construction implementation plan set forth in the preceding paragraph.
- (3) If a Constructor (other than the Constructor that is also the Operator. The same shall apply to Paragraph 5 of this Article.) intends to prepare or revise the Construction Implementation Plan pursuant to the provision of Paragraph 1 of this Article, the Constructor shall consult with the Operator in advance.
- (4) If the Minister of Land, Infrastructure, Transport and Tourism intends to implement the authorization pursuant to the provision of the Paragraph 1 of this Article in the instance where JRTT is the Constructor,

the Minister of Land, Infrastructure, Transport and Tourism shall seek the opinions of each prefecture to be responsible for the costs required for the constructions related to the Shinkansen Railway pursuant to Article 13, Paragraph 1.

- (5) If a Constructor has obtained an approval of the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of Paragraph 1, the Constructor shall send any documentation related to the Construction Implementation Plan to the Operator.

Article 10 (Designation and Cancellation of Conduct Restriction Area)

- (1) In the case where the Minister of Land, Infrastructure, Transport and Tourism deems it necessary to restrict the conducts provided for in Article 11, Paragraph 1 in order to implement the construction of the Shinkansen Railway concerned in an efficient manner, the Minister of Land, Infrastructure, Transport and Tourism may designate an area as a conduct restriction area for the lot of land that is required for the construction of the Shinkansen Railway concerning the Approval pursuant to the provision of Paragraph 1 of the preceding article and that is designated by the Cabinet Order.
- (2) If the Minister of Land, Infrastructure, Transport and Tourism intends to designate a conduct restriction area pursuant to the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism shall consult in advance with the Constructor of the Shinkansen Railway concerned.
- (3) The Minister of Land, Infrastructure, Transport and Tourism may request documentation required on the designation of a conduct restriction area pursuant to Paragraph 1 when the Minister of Land, Infrastructure, Transport and Tourism deems it necessary so to do.
- (4) If the Minister of Land, Infrastructure, Transport and Tourism intends to designate a conduct restriction area pursuant to the preceding Paragraph 1, the Minister of Land, Infrastructure, Transport and Tourism shall publicly notify the area and make the drawings indicating the area available for public inspection pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism.
- (5) Upon completion of the Shinkansen Railway construction works related to the conduct restriction area pursuant to Paragraph 1, the

Minister of Land, Infrastructure, Transport and Tourism shall promptly cancel the designation of the conduct restriction area and publicly notify thereof pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism. The same shall apply when the Minister of Land, Infrastructure, Transport and Tourism deems that the necessity to continue the conduct restriction area has ceased to exist prior to the completion of the construction works.

- (6) The provision of Paragraph 2 shall apply mutatis mutandis to the cases where the designation as a conduct restriction area is intended to be cancelled pursuant to the provision of the preceding paragraph.

#### Article 11 (Restriction of Conduct)

- (1) No person shall alter the characteristic of land or newly construct, modify, or extend any structure within the conduct restriction area as is designated pursuant to the provision of Paragraph 1 of the preceding article; provided, however, that the foregoing shall not apply to the conduct implemented as the emergency measure against the extraordinary disaster or any other conduct stipulated under the Cabinet Order.
- (2) If any party incurs damage due to such restriction on conduct pursuant to the provision of the preceding paragraph, the Constructor shall compensate the party for the damage to be incurred by the party on the ordinary basis.
- (3) The Constructor and the party incurring the damage shall arrive at an agreement on the compensation of such damage as is stipulated under the preceding paragraph.
- (4) In the event where any such agreement pursuant to the provision of the preceding paragraph cannot be established, the Constructor and the party incurring the damage may apply to the Compulsory Purchase Committee for the determination pursuant to the provision of Article 94 of the Eminent Domain Act (Act No. 249 of 1951) pursuant to the provision of the Cabinet Order.

#### Article 12 (Entry and Temporary Use of Land Occupied by Other Persons)

- (1) In the event where the juridical person or Constructor who is designated by the Minister of Land, Infrastructure, Transport and

Tourism pursuant to the provision of Article 5 Paragraph 1, or any person who has a mandate from such juridical person or Constructor has any inevitable necessity to enter a land occupied by another person, or temporarily use the land that is occupied by another person and is not used for any specific purpose as the storage of the construction materials or work area for the purpose of the research, land survey, or construction work related to the construction of Shinkansen Railway, the juridical person or Constructor who is designated by the Minister of Land, Infrastructure, Transport and Tourism under the provision of Article 5 Paragraph 1, or any person who has a mandate from such juridical person or Constructor may do so within the limit of such necessity.

- (2) The person who intends to enter the land occupied by another person pursuant to the provision of the preceding paragraph shall notify in advance the person occupying the land of such entry; Provided, however, that the foregoing shall not apply if such prior notification represents any difficulty.
- (3) In the event where a person intends to enter the land that is occupied by another person and that is with any structure or surrounding fence or railing pursuant to the provision of Paragraph 1, the person who intends to enter the land shall in advance notify such occupying person of such entry.
- (4) No person shall enter the land prescribed under the preceding paragraph during the hours before sunrise and after sundown unless permission so to do is issued by such possessor of the land.
- (3) The person who intends to enter the land occupied by another person pursuant to the provision of Paragraph 1 shall carry his/her certificate with him/her and present the identification if so requested by any person concerned.
- (6) The person who intends to temporarily use the land that is occupied by another person and is not used for any specific purpose as the storage of the construction materials or work area pursuant to the provision of Paragraph 1 shall notify in advance the possessor and owner of the land concerned to obtain the opinions thereof.
- (7) The possessor or owner of the land concerned shall not refuse or interfere the entry or use pursuant to the provision of Paragraph 1 unless the possessor or owner has due cause so to do.

- (8) The provisions of the preceding Paragraphs 2 to 4 shall apply mutatis mutandis to the indemnity for the person who has incurred damage due to such entry or temporary use pursuant to the provision of Paragraph 1.
- (9) The format of the certificate as is stipulated under Paragraph 5 and other required matters shall be provided for under the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 13 (Responsibility of Construction Costs)

- (1) The national government and the prefectures where the Shinkansen Railway concerned exists shall be responsible for the costs required for such Shinkansen Railway construction implemented by JR TT pursuant to the provision of the Cabinet Order (less the portion representing the amount calculated pursuant to the provision of the Cabinet Order as the amount for which the income from the rent of the railway facilities related to the Shinkansen Railway and other incomes related to the operation of the Shinkansen Railway are allocated).
- (2) A prefecture may charge any beneficiary municipality of the Shinkansen Railway construction within the prefecture with a portion of the contribution that the prefecture is to be responsible for pursuant to the provision of the preceding paragraph.
- (3) The amount of the portion to be born by the municipality pursuant to the provision of the preceding paragraph shall be determined by the resolution by the council of the municipality concerned following the hearing of the opinion of the municipality.
- (4) In addition to what is provided for under preceding Paragraphs 1 and 2, such local government shall strive for implementing necessary measures such as using its good offices in obtaining the land required for the construction with respect to the Shinkansen Railway.

Article 13-2 (Revenue Source Measure for Local Governments)

- (1) The national government shall implement necessary measures for the local government that incurs the cost required for the construction related to the Shinkansen Railway pursuant to the provisions of the Paragraphs 1 and 2 of the preceding article with respect to the fund required for such purpose in order to prevent any hindrance against its financial administration.

Article 14 (Special Provisions on Application of the Railway Business Act)

- (1) Upon issuance for the Constructor of the instruction pursuant to the provision of Article 8 in the case where the Operator and the Constructor are one identical juridical person, the said juridical person shall be deemed as if the said juridical person had obtained the license of Type I Railway Business pursuant to the provision of the Article 3, Paragraph 1 of the Railway Business Act (Act No. 92 of 1986) concerning the section of the Construction Line related to the instruction issued.
- (2) Upon the issuance for the Constructor of the instruction pursuant to the provision of Article 8 in the case where the Operator and the Constructor are two different juridical persons and where the Constructor is a juridical person other than JRJT, the Operator shall be deemed as if the Operator had obtained the license of Type I Railway Business pursuant to the provision of the Article 3, Paragraph 1 of the Railway Business Act (or Type II Railway Business when the Constructor intends to offer the Construction Line to the Operator for its use,) and the Constructor shall be deemed as if the Constructor had obtained the license of Type III Railway Business pursuant to the provision of said Paragraph concerning the section of the Construction Line related to the instruction issued, and upon the said issuance in the case where the Operator and the Constructor are two different juridical persons and where the Constructor is JRJT, the Operator shall be deemed as if the Operator had obtained the license of Type I Railway Business pursuant to the provision of said Paragraph concerning the said section.
- (3) In the event where any railroad business licenses deemed to be obtained by the Operator or Constructor pursuant to the provision of the preceding Paragraph 1 or 2 is to be rescinded pursuant to the provision of Article 30 of the Railroad Business Act, the designation pursuant to the provision of Article 6, Paragraph 1 related to the Operator or Constructor shall cease to be effective as of such rescindment.
- (4) In the case of the preceding paragraph where the designation of the Operator or Constructor is newly implemented pursuant to the provision of Article 6, Paragraph 1 regarding the Construction Line for which the instruction pursuant to the provision of the Article 8 has been issued, the

phrases “Upon issuance for the Constructor of the instruction pursuant to the provision of Article 8” and “the instruction issued” in the provision of Paragraph 1 or 2 shall be deemed to be replaced with “Upon the designation of the Operator or Constructor pursuant to the provision of Article 6, Paragraph 1” and “the instruction of construction pursuant to the provision of Article 8” respectively.

- (5) The provisions of Articles 7 to 9 of the Railroad Business Act shall not apply to the construction of the Construction Line.
- (6) The phrase “shall complete the construction of Railway Facilities by the due date of construction designated by the Minister of Land, Infrastructure, Transport and Tourism at the time of the approval of execution of construction, and shall” under Article 10, Paragraph 1 of the Railroad Business Act shall be deemed to be replaced with “shall, upon the completion of the construction thereof,” and the term “construction plan” under Article 10, Paragraph 2 of the same shall be deemed to be replaced with “construction implementation plan where the approval under Article 9, Paragraph 1 of the Nationwide Shinkansen Railway Development Act (Act No. 71 of 1970) has been issued” with respect to the Construction Line.
- (7) The Operator and the Constructor that is deemed to have obtained the license of Type III Railway Business pursuant to the provision of Paragraph 2 shall establish a plan equivalent to the Basic Business Plan as is provided for under Article 4, Paragraph 1, Item vi of the Railroad Business Act pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism and notify the Minister of Land, Infrastructure, Transport and Tourism thereof prior to the operation commencement of the Construction Line concerned. In the case of the foregoing, the plan related to the said notification shall be deemed to be the Basic Business Plan provided for under the said Item with respect to the Construction Line concerned upon the operation commencement of the Construction Line concerned.

#### Article 14-2 (Consultation with the Transport Policy Council)

The Minister of Land, Infrastructure, Transport and Tourism shall consult with the Transport Policy Council regarding the matters listed hereunder.

- (i) Matters related to the decision and Revision to the Basic Plan
- (ii) Matters related to the designation of the Operator or Constructor pursuant to the provision of Article 6, Paragraph 1
- (iii) Matters related to the decision and Revision to the Development Plan

### CHAPTER 3 MAJOR IMPROVEMENT WORKS OF SHINKANSEN RAILWAYS

#### Article 15 (Designation of Owner Operator)

- (1) The Minister of Land, Infrastructure, Transport and Tourism may designate the juridical person who owns Shinkansen Railway and engages into the operation thereof (hereinafter referred to as an "Owner Operator,") and for whom it is deemed necessary and relevant to reserve the Allowance for the Major Improvement Works of Shinkansen Railways as is stipulated under Article 17, Paragraph 1, taking into consideration of the matters including the performance of the trips made by the railway vehicles over the duration elapsed since the operation commencement of such section of the said Shinkansen Railway as is owned and operated by the Owner Operator and across the said section and the financial position of the said Owner Operator in order to prepare for the expenses required for the implementation of the major improvement works, in such a manner that the designation made thereby clearly sets forth the said section.
- (2) The "Major Improvement Works" in the preceding paragraph shall mean the works that are for the replacement of the railway facilities related to the Shinkansen Railways and being directly degraded due to the trips made by the railroad vehicles with respect to its functions and designated by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, or that are deemed to have the equivalent effects thereto, and that are implemented across the section of the said Shinkansen Railway as is owned and operated by the Owner Operator, and the term of which is approximately less than 10 years.

#### Article 16 (Allowance Reserve Plan)

- (1) The Owner Operator that is subjected to the designation under Paragraph 1 of the preceding Article (hereinafter referred to as a "Designated Owner Operator") shall prepare without delay an allowance

reserve plan of the Major Improvement Works of Shinkansen Railways (hereinafter referred to as an “Allowance Reserve Plan”) setting out the matters listed hereunder, and shall obtain the approval of the Allowance Reserve Plan by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. The same shall apply where the Allowance Reserve Plan is intended to be revised.

- (i) The term and total costs (that is the amount calculated pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism) required for the Major Improvement Work to be implemented (the “Major Improvement Work” refers to such Major Improvement Work as is in the Paragraph 2 of the preceding Article: The same shall apply hereinafter)
  - (ii) The reserve term and total amount of the Allowance for the Major Improvement Works of Shinkansen Railways to be reserved pursuant to the provision of Paragraph 1 of the following article
- (2) The Allowance Reserve Plan in the preceding paragraph shall be accompanied by the documentation setting forth the construction methods and other matters provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.
- (3) If the Allowance Reserve Plan is deemed to conform to the following standards upon application for approval pursuant to the provision of Paragraph 1, the Minister of Land, Infrastructure, Transport and Tourism shall approve the Allowance Reserve Plan pursuant to the provision thereof.
- (i) The matters listed under Paragraph 1, Item i are appropriate considering in light of the kind and number of the railway facilities provided for under the Paragraph 2 of the preceding Article within the section related to the designation under the Paragraph 1 of the same.
  - (ii) The matters listed under Paragraph 1, Item ii are appropriate considering in light of the matters set forth under Paragraph 1, Item i and the performance of the trips made by the railway vehicles across the section concerned and over the duration elapsed since the operation commencement of the section and the financial position of the Designated Owner Operator under the Paragraph 1 of the preceding Article.

- (4) If the Allowance Reserve Plan for which the approval under Paragraph 1 has been issued is deemed to have subsequently come to be inappropriate in preparing for the expenditure required for the Major Improvement Works, the Minister of Land, Infrastructure, Transport and Tourism may order the revision thereof for the Designated Owner Operator.

Article 17 (Reserve of Allowance for the Major Improvement Works of Shinkansen Railways)

- (1) The Designated Owner Operator shall reserve the amount stipulated under the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism as the Allowance for the Major Improvement Works of Shinkansen Railways in each business year where the dates within the reserve term belong pursuant to the Allowance Reserve Plan for which the approval has been issued pursuant to the provision of Paragraph 1 of the preceding article (or Allowance Reserve Plan as revised if the Allowance Reserve Plan has been approved after the revision pursuant to the provision of the said Paragraph.)
- (2) In addition to what is stipulated under the preceding article and preceding Paragraph, the matters necessary for the reserve and disposition of the Allowance for the Major Improvement Works of Shinkansen Railways shall be provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

Article 18 (Authorization of Implementation Plan for Major Improvement Work)

- (1) If the Owner Operator intends to implement a Major Improvement Work, the Owner Operator may prepare an Implementation Plan for Major Improvement Works of Shinkansen Railways (hereinafter referred to as an “Implementation Plan for Major Improvement Work”) setting out the name of the railway, and the section and methods of the construction and the other matters provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, and submit the same to the Minister of Land, Infrastructure, Transport and Tourism for authorization pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

(2) If the application for the authorization pursuant to the provision of the preceding paragraph is deemed to conform to the following standards upon application for authorization pursuant to the provision of Paragraph 1, the Minister of Land, Infrastructure, Transport and Tourism shall issue the authorization.

(i) The improvement described in the Implementation Plan for Major Improvement Work concerned is a major improvement.

(ii) The Implementation Plan for Major Improvement Work concerned conforms to the regulations stipulated under the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism under the provision of Article 1 of Railway Operation Act (Act No. 65 of 1900.)

Article 19 (Revision to Implementation Plan for Major Improvement Work)

(1) In the event where the Owner Operator that is authorized pursuant to the provision of Paragraph 1 of the preceding article (hereinafter referred to as an “Authorized Owner Operator”) intends to revise the authorized Implementation Plan for Major Improvement Work, the Authorized Owner Operator shall obtain an authorization so to do from the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism; provided, however, that the foregoing shall not apply to any minor revision stipulated under the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

(2) The provision of Paragraph 2 of the preceding article shall apply mutatis mutandis to such authorization of revision pursuant to the provision of the preceding paragraph.

(3) In the event where an Authorized Owner Operator intends to implement any minor change set out in the proviso of Paragraph 1, the Owner Operator shall notify the Minister of Land, Infrastructure, Transport and Tourism thereof.

Article 20 (Mutatis-mutandis Application of the Provision on Entry and Temporary Use of Land Occupied by Other Person)

The provisions of Article 12 shall apply mutatis-mutandis to the case where an Authorized Owner Operator or any person entrusted by the

Authorized Owner Operator implements the Major Improvement Work.

Article 21 (Special Provisions on Application of the Railway Business Act)

- (1) In the case where an Authorized Owner Operator is required to obtain the approval pursuant to the provision of Article 12, Paragraph 1 of the Railway Business Act or is required to perform such notification pursuant to the provision of Article 12, Paragraph 2 of the same, the Authorized Owner Operator shall be deemed as if such approval or notification had been made by the Authorized Owner Operator.
- (2) In the case where an Authorized Owner Operator is required to obtain the approval as set forth under Article 9, Paragraph 1 of the Railway Business Act as applied mutatis mutandis pursuant to Article 12, Paragraph 4 of the same or is required to perform such notification pursuant to the provision of Article 9, Paragraph 3 of the same, and where the Authorized Owner Operator has obtained the authorization stipulated under Article 19, Paragraph 1 or has implement such notification as stipulated under Paragraph 3 of the same, the Authorized Owner Operator shall be deemed as if such approval or notification as is stipulated under the Railway Business Act had been made by the Authorized Owner Operator.

Article 22 (Revocation of Authorization of Implementation Plan for Major Improvement Work)

If the Minister of Land, Infrastructure, Transport and Tourism deems that the Authorized Owner Operator does not implement the Major Improvement Work that is stated in the Implementation Plan for Major Improvement Work (or Implementation Plan for Major Improvement Work as revised if the Plan has been revised pursuant to the provisions of Article 19) as per stated in the same, the Minister of Land, Infrastructure, Transport and Tourism may revoke any authorization concerned.

Article 23 (Transfer Etc. of Railway Business)

In the event where the Designated Owner Operator or Authorized Owner Operator has transferred the railroad business concerning the Shinkansen Railway that is related to the designation under Article 15, Paragraph 1 or

the authorization under Article 18, Paragraph 1 or Article 19, Paragraph 1 as a whole, or any merger or split (limited to those where the railroad business concerned has been assumed as a whole) has taken place with respect to the Designated Owner Operator or Authorized Owner Operator, the juridical person that is the transferee of the railroad business concerned as a whole, that continues to exist following the merger, that is incorporated following the merger, or that assumes the railroad business concerned as a whole following the split shall be deemed as the Designated Owner Operator or Authorized Owner Operator with respect to the application of the present Act.

#### CHAPTER 4 MISCELLANEOUS PROVISION

Article 24 (Mandate to the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism)

In addition to what is provided in this Act, the matters required for the enforcement hereof shall be provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

#### CHAPTER 5. PENAL PROVISIONS

Article 25

Any person (other than JR TT) who, in violation of the provision of Article 9, Paragraph 1, has implemented the construction of a Construction Line, or has revised a Construction Implementation Plan shall be punished by fine not more than one million yen.

Article 26

In case where JR TT, in violation of the provision of Article 9, Paragraph 1, has implemented the construction of a Construction Line, or has revised a Construction Implementation Plan, any officer or employee violated the provision shall be punished by fine not more than one million yen.

Article 27

Any person falling under any of the following items shall be punished by fine not more than three hundred thousand yen.

- (i) Person who has violated the provision of Article 11, Paragraph 1
- (ii) Person who has violated the provision of Article 12, Paragraph 7 (including any case where the provision is applied mutatis mutandis pursuant to the provision of Article 20)

#### Article 28

In the event where a representative person of a juridical person, or agents, employees or other workers of a juridical person or an individual has committed the violation under Article 25 or preceding article in connection with the business of such juridical person or an individual, not only the offender shall be punished but also said juridical person or individual shall be punished by the punishment prescribed in the respective Articles.

#### Article 29

Any person falling under any of the following items shall be punished by non-penal fine not more than one million yen.

- (i) Person who has not obtained the approval pursuant to the provision of Article 16, Paragraph 1
- (ii) Person who has violated the order pursuant to the provision of Article 16, Paragraph 4
- (iii) Person who has violated the provision of Article 17, Paragraph 1