MEMORANDUM OF CONSULTATIONS
between the
Federal Railroad Administration, United States Department of Transportation
and the
Ministry of Transport and Maritime Economy, Republic of Poland

1. Authority

The Federal Railroad Administration (FRA), Department of Transportation (DOT), United States of America and the Ministry of Transport and Maritime Economy (MTME), Republic of Poland (hereafter referred to as Party or Parties), enter into this Memorandum of Consultations (Memorandum) regarding cooperation and exchange of information leading towards a Rail Transport Safety Program within MTME, pursuant to a Memorandum of Understanding, dated November 3, 1971, as amended, between the United States Secretary of Transportation and Poland's Minister of Transportation, and an Agreement on Cooperation in Science and Technology, dated September 29, 1987, between the Governments of the United States and Poland.

2. Purpose

The overall purpose of this Memorandum is to assist the MTME establish a Rail Transport Safety Program within the Ministry. The assistance shall be directed towards verbal and written exchanges of information, taking into account the fact that the FRA has a mature rail safety program in place.

Cooperation under this Memorandum is subject to the applicable laws and regulations of the Parties.

3. Areas of Assistance and Cooperation

The tasks to be accomplished by the Parties individually and/or jointly include the following:

a. FRA will present its own whole safety program to the MTME to consider its usefulness in Polish conditions

b. FRA will provide documentation and other relevant materials on the FRA rail-related safety program to the MTME.

c. In consultation with the MTME, FRA will provide verbal and/or written advice and/or materials regarding organization structure options, organization missions and functions, and statutory and other legal authorities for such rail-related safety functions.

d. The MTME will provide to FRA a report summarizing the usefulness and applicability of FRA's safety program to MTME, including the reasons for the conclusions.

e. The MTME will advise FRA of rail-related projects which would be of interest to U.S. firms.

4. Project Management

The project managers for this Memorandum shall be:

For the United States of America, the Federal Railroad Administration

For the Republic of Poland, the Ministry of Transport and Maritime Economy

5. Officers Responsible for Application of the Memorandum

a. *Designation:* On signature of this Memorandum, each Party shall appoint an officer in charge of application of the Memorandum to successfully pursue this cooperation.

b. *Responsibilities:* The officers in charge of application of this Memorandum shall be the main spokespersons for each Party.

c. *Costs:* Each co-signatory shall bear the direct costs (salary, travel and subsistence, etc.) for participation of its own personnel, unless otherwise mutually and specifically agreed upon.

6. Funding

a. The participation of each signatory Party to application of this Memorandum shall be subject to the availability of appropriated funds.

b. No transfer of funds between the co-signatories is envisaged in connection with this Memorandum.

c. Recourse to experts or to outside bodies is subject to specific funding.

7. Disclaimer

Each Party shall exercise its best efforts to ensure the accuracy of all information sent to the other Party pursuant to this Memorandum, but the accuracy of such information is not guaranteed. Each Party shall use the other's information at its own risk and may not hold the other Party liable for damages arising from the use of such information.

Any questions relating to the application of this Memorandum shall be solved by negotiations between the Parties, who shall endeavor to reach an amicable settlement.

8. Duration

This Memorandum shall take effect on the date last appearing below and shall remain in effect for three years. Each Party may terminate this Memorandum on sixty (60) days prior written notice from the date of receipt by the other Party of such notice.

Signed in Washington, DC, on March 22, 1996 in duplicate in the English and Polish languages, both texts being equally authentic.

Boguslaw Liberadzki
Minister
Ministry of Transport &
Maritime Economy
Republic of Poland

Jolene M. Molitoris
Administrator
Federal Railroad Administration
Department of Transportation
United States of America