

MEMORANDUM OF COOPERATION

between the
Department of Transportation
of the
United States of America
and the
Ministry of Railways
of the
People's Republic of China

Recognizing their continuing mutual interest in expanding their cooperation in railroad matters, the Department of Transportation of the United States of America (USDOT) and the Ministry of Railways (MOR), People's Republic of China (PRC), hereinafter referred to as "the Participants" intend to further their cooperation.

Article I SCOPE AND OBJECTIVES

- A. The intent of the Participants is to continue to facilitate the exchange of information in the countries of the Participants and to identify and participate in other related technical cooperation projects.
- B. The objectives of the Participants, include, but are not limited to, the following:
- a. Regular information exchanges on the current status of and planning for relevant program activities.
 - b. Informational discussions on the development of U.S. and Chinese projects of fast passenger-dedicated rail line, with particular emphasis on safety assurance, operations & management, and environmental impact.
 - c. An MOR PRC desire to visit the United States for study and exchange of information in the following areas: operations and management, railway sector policy, operation strategies, safety management, heavy haul technology, container transportation and marketing.
 - d. Exploratory discussions of areas of technical cooperation to facilitate the test run by private industry shippers/customers using the International

Union of Railways (French acronym: UIC) Northern East-West (N.E.W.)
Freight Corridor from China to the United States.

Article II FORMS OF COOPERATION

Forms of cooperation may include:

- a. technical information exchanges
- b. joint organization of symposia and seminars, and
- c. joint research by technical experts on rail safety related subjects of mutual interest.

Article III CONSULTATIONS

Each Participant may designate a representative to be responsible for ensuring effective communications. The representatives of the Participants should consult with each other to ensure the effective functioning of technical cooperative efforts. The designated representatives are:

For the United States of America

Ted Krohn
Director
Office of International Policy
Federal Railroad Administration
U.S. Department of Transportation
Washington, DC USA

For the People's Republic of China

Xusheng LU
Director
Department of International Cooperation
Ministry of Railways
Beijing
People's Republic of China

Article IV FUNDING

Each Participant is expected to fund its own activities under the Memorandum. The involvement of each Participant is subject to the availability of appropriated funds. No transfer of funds between Participants is envisaged in connection with this Memorandum.

Article V INFORMATION EXCHANGE

If a Participant receives confidential and/or proprietary business information from the other Participant, the confidential and/or proprietary business nature of the information is to be

safeguarded by the other Participant, subject to the provisions of applicable law. Each document containing confidential and/or proprietary business information should be so noted, with the type of notation to be agreed upon by the Participants.

Any confidential and/or proprietary business information is expected to be transferred solely for the internal use of the receiving Participant. If the receiving Participant wishes to share confidential and/or proprietary business information with third parties, the prior consent of the Participant submitting said information is required.

Each Participant should exercise its best efforts to ensure that any confidential and/or proprietary information it receives in connection with this Memorandum is controlled and treated under applicable law. If one of the Participants becomes aware that it may be unable to meet the confidentiality of information exchanged within the framework of this Memorandum, it should immediately inform the other Participant. The Participants should then establish an appropriate course of action.

Article VI DURATION OF THE COOPERATION

These activities under this Memorandum are intended by the Participants to commence on the date appearing below and to continue for a period of five (5) years, or until either Participant receives sixty (60) days advance written notice by the other Participant of its intention to cease cooperative activities.

This Memorandum is signed in duplicate in English and Chinese. Done in Beijing, People's Republic of China, on July 22, 2004.



Norman Y. Mineta
Secretary
Department of Transportation
United States of America



Li Zhijun
Minister
Ministry of Railways
People's Republic of China

中华人民共和国铁道部与 美利坚合众国运输部 合 作 备 忘 录

中华人民共和国铁道部与美利坚合众国运输部（以下简称“双方”）鉴于扩大两国铁路领域合作的共同愿望，达成如下备忘录。

第一条 范围与目标

1. 双方希望继续加强各自国家铁路的信息交流，确定并参与其他相关技术合作项目。

2. 双方合作目标包括，但不限于：

(1) 定期就相关项目活动的现状及规划进行信息交流。

(2) 探讨中国、美国快速客运专线铁路项目进展情况，侧重安全保证、经营管理及环境影响方面。

(3) 中华人民共和国铁道部希望就如下题目组团赴美国交流考察：经营管理、行业政策、运营战略、安全管理、重载技术、集装箱运输及市场营销等。

(4) 探讨技术合作领域，为私营运输公司/货主沿国际铁路联盟（法文缩写：UIC）倡导的中国—美国货运通道开行示范班列提供便利。

第二条 合作形式

合作形式可包括：

1. 技术信息交换；
2. 联合组织研讨会及讲习班；
3. 就双方关心的铁路安全问题组织技术专家开展联合研究。

第三条 协商

双方各指定一位代表确保有效沟通。两位代表需相互协商以保证技术合作活动发挥功效。双方代表分别为：

中方：中华人民共和国铁道部国际合作司处长 陆叙生

美方：美利坚合众国运输部联邦铁路署国际政策办公室主任
泰德·克朗

第四条 经费

本备忘录框架下开展的活动所需经费由双方各自承担。双方需根据可用经费开展活动。本备忘录不涉及双方之间的费用划转事宜。

第五条 信息交流

如果一方从另一方收到机密或专有商业信息，另一方也须依照相关法律保护该机密或专有商业信息。每份含有机密或专有商业信息的文件都须以双方商定的方式确认标注。

任何含有机密或专有商业信息的文件仅限于涉密文件接收方的内部使用。如果涉密文件接收方需与第三方分享该机密或专有商业信息，须事先征得涉密文件发出方的同意。

双方须尽全力依照有关法律妥善保管、处置本备忘录所涉及的机秘或专有信息。如果一方意识到自身可能无法保障本备忘录框架下有关信息的机密性，应立即通知另一方。双方应采取相应措施。

第六条 合作期限

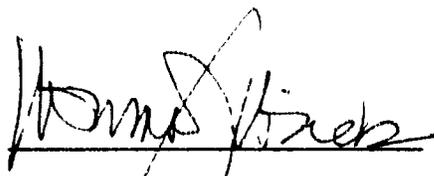
本备忘录框架下的活动自该备忘录签署之日起开始生效，有效期五年。如果一方希望中止合作活动，须提前 60 天书面通知另一方。

本备忘录一式两份，由中、英文写成，两份同等作准。本备忘录于 2004 年 7 月 22 日在中华人民共和国北京签署。



刘 志 军
部 长

中华人民共和国铁道部



诺 曼 · 峰 田
部 长

美利坚合众国运输部