

**Pt. 215, App. D**

- (1) Missing;
- (2) Has missing fastener.
- (E) Draft key or key retainer:
  - (1) Inoperative;
  - (2) Missing.
- (F) Follower plate missing or broken.
- 215.129 Defective cushioning device unless effectively immobilized.
  - (A) Broken.
  - (B) Inoperative.
  - (C) Missing parts.
- 215.203 Operating a restricted car, except under conditions approved by FRA.

*Stenciling*

- 215.301 Failure to stencil car number and built date on freight car as required.
- 215.303 Failure to stencil restricted car as required.
- 215.305 Failure to stencil maintenance-of-way equipment as required.

**APPENDIX D TO PART 215—PRE-DEPARTURE INSPECTION PROCEDURE**

At each location where a freight car is placed in a train and a person designated under §215.11 is not on duty for the purpose of inspecting freight cars, the freight car shall, as a minimum, be inspected for the imminently hazardous conditions listed below that are likely to cause an accident or casualty before the train arrives at its destination. These conditions are readily discoverable by a train crew member in the course of a customary inspection.

- 1. Car body:
  - (a) Leaning or listing to side.
  - (b) Sagging downward.
  - (c) Positioned improperly on truck.
  - (d) Object dragging below.
  - (e) Object extending from side.
  - (f) Door insecurely attached.
  - (g) Broken or missing safety appliance.
  - (h) Lading leaking from a placarded hazardous material car.
- 2. Insecure coupling.
- 3. Overheated wheel or journal.
- 4. Broken or extensively cracked wheel.
- 5. Brake that fails to release.
- 6. Any other apparent safety hazard likely to cause an accident or casualty before the train arrives at its destination.

[45 FR 26711, Apr. 21, 1980]

**PART 216—SPECIAL NOTICE AND EMERGENCY ORDER PROCEDURES: RAILROAD TRACK, LOCOMOTIVE AND EQUIPMENT**

**Subpart A—General**

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- 216.5 Delegation and general provisions.
- 216.7 Penalties.

**Subpart B—Special Notice for Repairs**

- 216.11 Special notice for repairs—railroad freight car.
- 216.13 Special notice for repairs—locomotive.
- 216.14 Special notice for repairs—passenger equipment.
- 216.15 Special notice for repairs—track class.
- 216.17 Appeals.

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- 216.21 Notice of track conditions.
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- 216.25 Issuance and review of emergency order.
- 216.27 Reservation of authority and discretion.

AUTHORITY: 49 U.S.C. 20102–20104, 20107, 20111, 20133, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.49.

SOURCE: 41 FR 18657, May 6, 1976, unless otherwise noted.

**Subpart A—General**

**§216.1 Application.**

(a) This part applies, according to its terms, to each railroad that uses or operates—

- (1) A railroad freight car subject to part 215 of this chapter;
- (2) A locomotive subject to 49 U.S.C. chapter 207 (49 U.S.C. 20701–03); or
- (3) Railroad passenger equipment subject to part 238 of this chapter.

(b) This part applies, according to its terms, to each railroad owning track subject to part 213 of this chapter.

[41 FR 18657, May 6, 1976, as amended at 64 FR 25659, May 12, 1999]

**§216.3 Definitions.**

As used in this part—

(a) *FRA* means the Federal Railroad Administration.

(b) *State* means a State participating in investigative and surveillance activities under 49 U.S.C. 20105.

(c) *Inspector* includes FRA Regional Supervisors of Inspectors.

[41 FR 18657, May 6, 1976, as amended at 64 FR 25659, May 12, 1999]