

§ 233.13

49 CFR Ch. II (10–1–03 Edition)

not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least \$500 and not more than \$11,000 per violation, except that: Penalties may be assessed against individuals only for willful violations, and, where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a

penalty not to exceed \$22,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense. See appendix A to this part for a statement of agency civil penalty policy.

[63 FR 11623, Mar. 10, 1998]

§ 233.13 Criminal penalty.

Whoever knowingly and willfully—

(a) Makes, causes to be made, or participates in the making of a false entry in reports required to be filed by this part; or

(b) Files a false report or other document required to be filed by this part is subject to a \$5,000 fine and 2 years imprisonment as prescribed by 49 U.S.C. 522(a) and section 209(e) of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 438(e)).

APPENDIX A TO PART 233—SCHEDULE OF CIVIL PENALTIES¹

Section	Violation	Willful violation
233.5 Accidents resulting from signal failure	\$2,500	\$5,000
233.7 Signal failure reports	5,000	7,500
233.9 Annual reports	1,000	2,000

[53 FR 52936, Dec. 29, 1988, as amended at 63 FR 11623, Mar. 10, 1998]

PART 234—GRADE CROSSING SIGNAL SYSTEM SAFETY

Subpart A—General

Sec.

- 234.1 Scope.
- 234.3 Application.
- 234.4 Preemptive effect.
- 234.5 Definitions.
- 234.6 Penalties.

Subpart B—Reports

- 234.7 Accidents involving grade crossing signal failure.
- 234.9 Grade crossing signal system failure reports.

Subpart C—Response to Reports of Warning System Malfunction

- 234.101 Employee notification rules.

- 234.103 Timely response to report of malfunction.
- 234.105 Activation failure.
- 234.106 Partial activation.
- 234.107 False activation.
- 234.109 Recordkeeping.

Subpart D—Maintenance, Inspection, and Testing

MAINTENANCE STANDARDS

- 234.201 Location of plans.
- 234.203 Control circuits.
- 234.205 Operating characteristics of warning system apparatus.
- 234.207 Adjustment, repair, or replacement of component.
- 234.209 Interference with normal functioning of system.
- 234.211 Security of warning system apparatus.
- 234.213 Grounds.
- 234.215 Standby power system.

¹A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a

penalty of up to \$22,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.