

§ 238.1

FIGURE 4 TO SUBPART E—TRAILER CAR INBOARD VESTIBULE END STRUCTURE CONCEPTUAL IMPLEMENTATION

Subpart F—Inspection, Testing, and Maintenance Requirements for Tier II Passenger Equipment

- 238.501 Scope.
- 238.503 Inspection, testing, and maintenance requirements.
- 238.505 Program approval procedure.

Subpart G—Specific Safety Planning Requirements for Tier II Passenger Equipment

- 238.601 Scope.
- 238.603 Safety planning requirements.

APPENDIX A TO PART 238—SCHEDULE OF CIVIL PENALTIES

APPENDIX B—TEST METHODS AND PERFORMANCE CRITERIA FOR THE FLAMMABILITY AND SMOKE EMISSION CHARACTERISTICS OF MATERIALS USED IN PASSENGER CARS AND LOCOMOTIVE CABS

APPENDIX C TO PART 238—SUSPENSION SYSTEM SAFETY PERFORMANCE STANDARDS

APPENDIX D TO PART 238—REQUIREMENTS FOR EXTERNAL FUEL TANKS ON TIER I LOCOMOTIVES

APPENDIX E TO PART 238—GENERAL PRINCIPLES OF RELIABILITY-BASED MAINTENANCE PROGRAMS

AUTHORITY: 49 U.S.C. 20103, 20107, 20133, 20141, 20302–20303, 20306, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.49.

SOURCE: 64 FR 25660, May 12, 1999, unless otherwise noted.

Subpart A—General

§ 238.1 Purpose and scope.

(a) The purpose of this part is to prevent collisions, derailments, and other occurrences involving railroad passenger equipment that cause injury or death to railroad employees, railroad passengers, or the general public; and to mitigate the consequences of such occurrences to the extent they cannot be prevented.

(b) This part prescribes minimum Federal safety standards for railroad passenger equipment. This part does not restrict a railroad from adopting and enforcing additional or more stringent requirements not inconsistent with this part.

(c) Railroads to which this part applies shall be responsible for compli-

49 CFR Ch. II (10–1–03 Edition)

ance with all of the requirements contained in §§ 238.15, 238.17, 238.19, 238.107, 238.109, and subpart D of this part effective January 1, 2002.

(1) A railroad may request earlier application of the requirements contained in §§ 238.15, 238.17, 238.19, 238.107, 238.109, and subpart D upon written notification to FRA's Associate Administrator for Safety. Such a request shall indicate the railroad's readiness and ability to comply with all of the provisions referenced in paragraph (c) introductory text of this section.

(2) Except for paragraphs (b) and (c) of § 238.309, a railroad may specifically request earlier application of the maintenance and testing provisions contained in §§ 238.309 and 238.311 simultaneously. In order to request earlier application of these two sections, the railroad shall indicate its readiness and ability to comply with all of the provisions contained in both of those sections.

(3) Paragraphs (b) and (c) of § 238.309 apply beginning September 9, 1999.

[64 FR 25660, May 12, 1999, as amended at 65 FR 41305, July 3, 2000; 67 FR 19989, Apr. 23, 2002]

§ 238.3 Applicability.

(a) Except as provided in paragraph (c) of this section, this part applies to all:

(1) Railroads that operate intercity or commuter passenger train service on standard gage track which is part of the general railroad system of transportation; and

(2) Railroads that provide commuter or other short-haul rail passenger train service in a metropolitan or suburban area as described by 49 U.S.C. 20102(1), including public authorities operating passenger train service.

(b) Railroads that permit to be used or hauled on their lines passenger equipment subject to this part, in violation of a power brake provision of this part or a safety appliance provision of this part, are subject to the power brake and safety appliance provisions of this part with respect to such operations.

(c) This part does not apply to:

(1) Rapid transit operations in an urban area that are not connected to