

§ 207.4

(b) The designated railroad police officer shall be commissioned by the railroad police officer's state of legal residence or the railroad police officer's state of primary employment.

§ 207.4 Notice to State officials.

(a) After the designated railroad police officer is commissioned by a state or states, the railroad shall send, by certified mail, written notice to appropriate officials of every other state in which the railroad police officer shall protect the railroad's property, personnel, passengers, and cargo. The notice of commission shall contain the following information:

- (1) The name of the railroad police officer;
- (2) The badge number, identification number, rank, code, or other identifying information assigned to the railroad police officer;
- (3) The date of commission;
- (4) The state or states where the railroad police officer is commissioned;
- (5) The date the railroad police officer received training or retraining regarding the laws of such state or states;
- (6) The name of the railroad official who designated the employee as a railroad police officer; and
- (7) Color photographs of the types of badges, identification cards, and other identifying materials the railroad uses to identify its railroad police officers.

(b) The railroad shall keep copies of all such notices at a central location.

(c) The authority set forth in § 207.5 shall be effective upon receipt by such state(s) of written notice conforming to the requirements of this section.

§ 207.5 Authority in States where officer not commissioned.

(a) A railroad police officer who is designated by a railroad and commissioned under the laws of any state is authorized to enforce the laws (as specified in paragraph (b) of this section) of any state in which the railroad owns property and to which the railroad has provided notice in accordance with § 207.4.

(b) Under the authority of paragraph (a) of this section, a railroad police officer may enforce only relevant laws for the protection of—

49 CFR Ch. II (10–1–04 Edition)

(1) The railroad's employees, passengers, or patrons;

(2) The railroad's property or property entrusted to the railroad for transportation purposes;

(3) The intrastate, interstate, or foreign movement of cargo in the railroad's possession or in possession of another railroad or non-rail carrier while on the railroad property; and

(4) The railroad movement of personnel, equipment, and materials vital to the national defense.

(c) The authority exercised under this part by an officer for whom the railroad has provided notice in accordance with § 207.4 shall be the same as that of a railroad police officer commissioned under the laws of that state.

(d) The railroad police officer's law enforcement powers shall apply only on railroad property, except that an officer may pursue off railroad property a person suspected of violating the law on railroad property, and an officer may engage off railroad property in law enforcement activities, including, without limitation, investigation and arrest, if permissible under state law.

PART 209—RAILROAD SAFETY ENFORCEMENT PROCEDURES

Subpart A—General

- Sec.
- 209.1 Purpose.
 - 209.3 Definitions.
 - 209.5 Service.
 - 209.6 Requests for admission.
 - 209.7 Subpoenas; witness fees.
 - 209.8 Depositions in formal proceedings.
 - 209.9 Filing.
 - 209.11 Request for confidential treatment.
 - 209.13 Consolidation.
 - 209.15 Rules of evidence.
 - 209.17 Motions.

Subpart B—Hazardous Materials Penalties

CIVIL PENALTIES

- 209.101 Civil penalties generally.
- 209.103 Minimum and maximum penalties.
- 209.105 Notice of probable violation.
- 209.107 Reply.
- 209.109 Payment of penalty; compromise.
- 209.111 Informal response and assessment.
- 209.113 Request for hearing.
- 209.115 Hearing.
- 209.117 Presiding officer's decision.
- 209.119 Assessment considerations.
- 209.121 Appeal.