

**§ 210.33 Operation standards (switcher locomotives, load cell test stands, car coupling operations, and retarders).**

(a) Measurement on receiving property of the noise emission levels from switcher locomotives, load cell test stands, car coupling operations, and retarders shall be performed in accordance with the requirements of 40 CFR part 201 and § 210.25 of this part.

(b) These sources shall be considered in noncompliance whenever the test measurement, minus the appropriate tolerance (§ 210.25), exceeds the noise emission levels prescribed in appendix A of this part.

(b) These sources shall be considered in noncompliance whenever the test measurement, minus the appropriate tolerance (§ 210.25), exceeds the noise emission levels prescribed in appendix A of this part.

APPENDIX A TO PART 210—SUMMARY OF NOISE STANDARDS, 40 CFR PART 201

Paragraph and section	Noise source	Noise standard—A weighted sound level in dB	Noise measure <sup>1</sup>	Measurement location
<i>All Locomotives Manufactured on or Before 31 December 1979</i>				
201.11(a) .....	Stationary, Idle Throttle Setting .....	73	L <sub>max</sub> (slow) .....	30 m (100 ft)
201.11(a) .....	Stationary, All Other Throttle Settings .....	93	.....do .....	Do.
201.12(a) .....	Moving .....	96	L <sub>max</sub> (fast) .....	Do.
<i>All Locomotives Manufactured After 31 December 1979</i>				
201.11(b) .....	Stationary, Idle Throttle Setting .....	70	L <sub>max</sub> (slow) .....	Do.
201.11(b) .....	Stationary, All Other Throttle Settings .....	87	.....do .....	Do.
201.12(b) .....	Moving .....	90	L <sub>max</sub> (fast) .....	Do.
201.11(c) and 201.12(c).	<i>Additional Requirement for Switcher Locomotives Manufactured on or Before 31 December 1979 Operating in Yards Where Stationary Switcher and other Locomotive Noise Exceeds the Receiving Property Limit of.</i>	65	L <sub>90</sub> (fast) <sup>2</sup> .....	Receiving property
201.11(c) .....	Stationary, Idle Throttle Setting .....	70	L <sub>max</sub> (slow) .....	30 m (100 ft)
201.11(c) .....	Stationary, All Other Throttle Settings .....	87	.....do .....	Do.
201.12(c) .....	Moving .....	90	L <sub>max</sub> (fast) .....	Do.
<i>Rail Cars</i>				
201.13(1) .....	Moving at Speeds of 45 mph or Less .....	88	.....do .....	Do.
201.13(2) .....	Moving at Speeds Greater than 45 mph .....	93	.....do .....	Do.
<i>Other Yard Equipment and Facilities</i>				
201.14 .....	Retarders .....	83	L <sub>adjavemax</sub> (fast) ....	Receiving property
201.15 .....	Car-Coupling Operations .....	92	.....do .....	Do.
201.16 .....	<i>Locomotive Load Cell Test Stands, Where the Noise from Locomotive Load Cell Operations Exceeds the Receiving Property Limits of.</i>	65	L <sub>90</sub> (fast) <sup>2</sup> .....	Do.
201.16(a) .....	Primary Standard .....	78	L <sub>max</sub> (slow) .....	30 m (100 ft).
201.16(b) .....	Secondary Standard if 30-m Measurement Not Feasible.	65	L <sub>90</sub> (fast) .....	Receiving property located more than 120 m from Load Cell.

<sup>1</sup>L<sub>max</sub>=Maximum sound level; L<sub>90</sub>=Statistical sound level exceeded 90% of the time; L<sub>adjavemax</sub>=Adjusted average maximum sound level.

<sup>2</sup>L<sub>90</sub> must be validated by determining that L<sub>10</sub>-L<sub>99</sub> is less than or equal to 4dB (A).

[48 FR 56758, Dec. 23, 1983; 49 FR 1521, Jan. 12, 1984]

APPENDIX B TO PART 210—SWITCHER LOCOMOTIVE ENFORCEMENT POLICY

The EPA standards require that the noise emissions from all switcher locomotives in a particular facility be less than prescribed levels measured at 30 meters, under all operating modes. This requirement is deemed to

be met unless “receiving property” noise due to switcher locomotives exceeds 65 dB(A), when measured in accordance with subpart C of 40 CFR part 201. The 65 dB(A) receiving property standard is the “trigger” for requiring the 30-meter test of switcher locomotives.

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The purpose underlying FRA's enforcement of the noise standards is to reduce the impact of rail operations noise on receiving properties. In some instances, measures other than the 30-meter test approach may more effectively reduce the noise levels at receiving properties; therefore, FRA enforcement efforts will focus on abatement procedures that will achieve a reduction of receiving property noise levels to less than 65 dB(A).

For example, a parked, idling locomotive, even if equipped with exhaust silencing that meets the stationary locomotive standard (30-meter test), may cause the receiving property standard to be exceeded if located on trackage adjacent to the receiving property. In that case, application of the 30-meter test to other switcher locomotives at the facility may not serve to reduce the receiving property noise level. On the other hand, operational changes by the railroad could significantly reduce receiving property noise levels. In such case, FRA would consider retesting after abatement measures have been taken. If the receiving property noise level is below the trigger and the abatement action is adopted, FRA would not make a 30-meter test of the switcher locomotives at the facility.

**PART 211—RULES OF PRACTICE**

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APPENDIX A TO PART 211—STATEMENT OF AGENCY POLICY CONCERNING WAIVERS RELATED TO SHARED USE OF TRackage OR RIGHTS-OF-WAY BY LIGHT RAIL AND CONVENTIONAL OPERATIONS

AUTHORITY: 49 U.S.C. 20103, 20107, 20114, 20306, 20502–20504, and 49 CFR 1.49.

SOURCE: 41 FR 54181, Dec. 13, 1976, unless otherwise noted.

**Subpart A—General**

**§211.1 General.**

(a) This part prescribes rules of practice that apply to rulemaking and waiver proceedings, review of emergency orders issued under 45 U.S.C. 432, and miscellaneous safety-related proceedings and informal safety inquiries. The specific time limits for disposition of proceedings apply only to proceedings initiated after December 31, 1976, under the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 *et seq.*). When warranted, FRA will extend these time limits in individual proceedings. However, each proceeding under the Federal Railroad Safety Act shall be disposed of within 12 months after the date it is initiated. A proceeding shall be deemed to be initiated and the time period for its disposition shall begin on the date a petition or application that complies with the requirements of this chapter is received by the person designated in §211.7.

(b) As used in this part—