

## PART 212—STATE SAFETY PARTICIPATION REGULATIONS

### Subpart A—General

- Sec.  
212.1 Purpose and scope.  
212.3 Definitions.  
212.5 Filing.

### Subpart B—State/Federal Roles

- 212.101 Program principles.  
212.103 Investigative and surveillance authority.  
212.105 Agreements.  
212.107 Certification.  
212.109 Joint planning of inspections.  
212.111 Monitoring and other inspections.  
212.113 Program termination.  
212.115 Enforcement actions.

### Subpart C—State Inspection Personnel

- 212.201 General qualifications of State inspection personnel.  
212.203 Track inspector.  
212.205 Apprentice track inspector.  
212.207 Signal and train control inspector.  
212.209 Train control inspector.  
212.211 Apprentice signal and train control inspector.  
212.213 Motive power and equipment (MP&E) inspector.  
212.215 Locomotive inspector.  
212.217 Car inspector.  
212.219 Apprentice MP&E inspector.  
212.221 Operating practices inspector.  
212.223 Operating practices compliance inspector.  
212.225 Apprentice operating practices inspector.  
212.227 Hazardous materials inspector.  
212.229 Apprentice hazardous materials inspector.  
212.231 Highway-rail grade crossing inspector.  
212.233 Apprentice highway-rail grade crossing inspector.  
212.235 Inapplicable qualification requirements.

AUTHORITY: 49 U.S.C. 20103, 20106, 20105, and 20113 (formerly secs. 202, 205, 206, and 208, of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431, 434, 435, and 436)); and 49 CFR 1.49.

SOURCE: 47 FR 41051, Sept. 16, 1982, unless otherwise noted.

### Subpart A—General

#### § 212.1 Purpose and scope.

This part establishes standards and procedures for State participation in investigative and surveillance activi-

ties under the Federal railroad safety laws and regulations.

#### § 212.3 Definitions.

As used in this part:

(a) *Administrator* means the Federal Railroad Administrator or the Deputy Administrator or the delegate of either of them.

(b) *Associate Administrator* means the Associate Administrator for Safety, Federal Railroad Administration (FRA), or the Deputy Associate Administrator for Safety, FRA.

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

(d) *Federal railroad safety laws* means the following enactments, together with regulations and orders issued under their authority:

(1) The Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 421, 431–441);

(2) The Safety Appliance Acts, as amended (45 U.S.C. 1–16);

(3) The Locomotive Inspection Act, as amended (45 U.S.C. 22–34);

(4) The Signal Inspection Act, as amended (49 U.S.C. 26);

(5) The Accident Reports Act, as amended (45 U.S.C. 38–42);

(6) The Hours of Service Act, as amended (45 U.S.C. 61–64(b)); and

(7) The Hazardous Materials Transportation Act (49 app. U.S.C. 1801 *et seq.*), as it pertains to shipment or transportation by railroad.

(e) *Manufacturer* means a person that manufactures, fabricates, marks, maintains, reconditions, repairs, or tests containers which are represented, marked, certified, or sold for use in the bulk transportation of hazardous materials by railroad.

(f) *Shipper* means a person that offers a hazardous material for transportation or otherwise causes it to be transported.

(g) *Planned compliance inspections* means investigative and surveillance activities described in the annual work plan required by § 212.109 of this part that provide basic surveillance of railroad facilities, equipment and/or operations for the purpose of determining the level of compliance with relevant Federal safety requirements.

[47 FR 41051, Sept. 16, 1982, as amended at 57 FR 28115, June 24, 1992]