

§ 217.13

49 CFR Ch. II (10–1–04 Edition)

which this part applies shall retain one copy of its current program for the periodic instruction of its employees as required by paragraph (a) of this section and one copy of each subsequent amendment to that program. The system headquarters of the railroad shall retain one copy of all these records; the division headquarters for each division where the employees are instructed shall retain one copy of all portions of these records that the division applies and enforces. These records shall be made available to representatives of the Federal Railroad Administration for inspection and copying during normal business hours. This program shall—

- (1) Describe the means and procedures used for instruction of the various classes of affected employees;
- (2) State the frequency of instruction and the basis for determining that frequency;
- (3) Include a schedule for completing the initial instruction of employees who are already employed when the program begins;
- (4) Begin within 30 days after November 21, 1994, or the date of commencing operations, whichever is later; and

(5) Provide for initial instruction of each employee hired after the program begins.

(c) Each railroad to which this part applies is authorized to retain by electronic recordkeeping its program for periodic instruction of its employees on operating rules provided that the requirements stated in § 217.9(e)(1) through (5) of this part are satisfied.

[39 FR 41176, Nov. 25, 1974, as amended at 59 FR 43071, Aug. 22, 1994]

§ 217.13 Information collection.

(a) The information collection requirements in this part have been reviewed by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Public Law 96–511, and have been assigned OMB control number 2130–0035.

(b) The information collection requirements are found in the following sections:

- (1) Section 217.7.
- (2) Section 217.9.
- (3) Section 217.11.

[50 FR 7919, Feb. 27, 1985. Redesignated and amended at 59 FR 43071, Aug. 22, 1994]

APPENDIX A TO PART 217—SCHEDULE OF CIVIL PENALTIES ¹

Section	Violation	Willful violation
217.7 Operating rules:		
(a)	\$2,500	\$5,000
(b)	\$2,000	\$5,000
(c)	\$2,500	\$5,000
217.9 Operational tests and inspections:		
(a) Program	\$5,000	\$7,500
(b) Record of program	2,500	\$5,000
(c) Record of tests and inspections	\$5,000	\$7,500
(d) Annual summary	\$5,000	\$7,500
217.11 Program of instruction on operating rules:		
(a)	\$5,000	\$7,500
(b)	\$2,500	\$5,000

¹ A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$27,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[59 FR 43071, Aug. 22, 1994, as amended at 63 FR 11620, Mar. 10, 1998; 69 FR 30593, May 28, 2004]

PART 218—RAILROAD OPERATING PRACTICES

Subpart A—General

Sec.
218.1 Purpose.

- 218.3 Application.
- 218.5 Definitions.
- 218.7 Waivers.
- 218.9 Civil penalty.
- 218.11 Filing, testing, and instruction.

Federal Railroad Administration, DOT

§218.5

Subpart B—Blue Signal Protection of Workers

- 218.21 Scope.
- 218.22 Utility employee.
- 218.23 Blue signal display.
- 218.24 One-person crew.
- 218.25 Workers on a main track.
- 218.27 Workers on track other than main track.
- 218.29 Alternate methods of protection.
- 218.30 Remotely controlled switches.

Subpart C—Protection of Trains and Locomotives

- 218.31 Scope.
- 218.35 Yard limits.
- 218.37 Flag protection.
- 218.39 Hump operations.
- 218.41 Noncompliance with hump operations rule.

Subpart D—Prohibition Against Tampering With Safety Devices

- 218.51 Purpose.
- 218.53 Scope and definitions.
- 218.55 Tampering prohibited.
- 218.57 Responsibilities of individuals.
- 218.59 Responsibilities of railroads.
- 218.61 Authority to deactivate safety devices.

Subpart E—Protection of Occupied Camp Cars

- 218.71 Purpose and scope.
- 218.73 Warning signal display.
- 218.75 Methods of protection for camp cars.
- 218.77 Remotely controlled switches.
- 218.79 Alternative methods of protection.
- 218.80 Movement of occupied camp cars.

APPENDIX A TO PART 218—SCHEDULE OF CIVIL PENALTIES

APPENDIX B TO PART 218—STATEMENT OF AGENCY ENFORCEMENT POLICY ON BLUE SIGNAL PROTECTION FOR UTILITY EMPLOYEES

APPENDIX C TO PART 218—STATEMENT OF AGENCY ENFORCEMENT POLICY ON TAMPERING

AUTHORITY: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.49.

SOURCE: 44 FR 2175, Jan. 10, 1979, unless otherwise noted.

Subpart A—General

§218.1 Purpose.

This part prescribes minimum requirements for railroad operating rules and practices. Each railroad may prescribe additional or more stringent requirements in its operating rules, time-

tables, timetable special instructions, and other special instructions.

§218.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate rolling equipment on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to—

(1) A railroad that operates only on track inside an installation which is not part of the general railroad system of transportation, or

(2) Rapid transit operations in an urban area that are not connected with the general railroad system of transportation.

[44 FR 2175, Jan. 10, 1979, as amended at 53 FR 28599, July 28, 1988]

§218.5 Definitions.

Absolute block means a block in which no train is permitted to enter while it is occupied by another train.

Blue signal means a clearly distinguishable blue flag or blue light by day and a blue light at night. When attached to the operating controls of a locomotive, it need not be lighted if the inside of the cab area of the locomotive is sufficiently lighted so as to make the blue signal clearly distinguishable.

Camp car means any on-track vehicle, including outfit, camp, or bunk cars or modular homes mounted on flat cars used to house rail employees. It does not include wreck trains.

Car shop repair track area means one or more tracks within an area in which the testing, servicing, repair, inspection, or rebuilding of railroad rolling equipment is under the exclusive control of mechanical department personnel.

Controlling Locomotive means a locomotive arranged as having the only controls over all electrical, mechanical and pneumatic functions for one or more locomotives, including controls transmitted by radio signals if so equipped. It does not include two or more locomotives coupled in multiple which can be moved from more than one set of locomotive controls.