

**Federal Railroad Administration, DOT**

**§ 228.3**

split approximately evenly between labor and materials.

8. Formula:

$$\text{New Threshold} = \text{Prior Threshold} \times \left\{ 1 + 0.5 \frac{(W_n - W_p)}{W_p} + 0.5 \frac{(E_n - E_p)}{100} \right\}$$

Where:

Prior Threshold = \$6,600 (for rail equipment accidents/incidents that occur during calendar year 2001);

W<sub>n</sub> = New average hourly wage rate (\$) = 18.188333;

W<sub>p</sub> = Prior average hourly wage rate (\$) = 17.763333;

E<sub>n</sub> = New equipment average PPI value (\$) = 135.733333;

E<sub>p</sub> = Prior equipment average PPI value (\$) = 135.633333.

9. The result of these calculations is \$6,682.254777. Since the result is rounded to the nearest \$100, the reporting threshold for rail equipment accidents/incidents that occur during calendar year 2002 is \$6,700.

10. In the absence of data necessary to compute the reporting threshold for calendar year 2003 according to the procedure described in paragraphs 1-9 of this appendix B, the calendar year 2002 threshold of \$6,700 remains in effect for calendar year 2003 and, until further notice, for all subsequent years.

[62 FR 63676, Dec. 2, 1997, as amended at 63 FR 71791, Dec. 30, 1998; 64 FR 69195, Dec. 10, 1999; 65 FR 69886, Nov. 21, 2000; 66 FR 66348, Dec. 26, 2001; 67 FR 79536, Dec. 30, 2002]

**PART 228—HOURS OF SERVICE OF RAILROAD EMPLOYEES**

**Subpart A—General**

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228.101 Distance requirement; definitions.

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228.105 Additional requirements; construction within one-third mile (1,760 feet) (536 meters) of certain switching.

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APPENDIX A TO PART 228—REQUIREMENTS OF THE HOURS OF SERVICE ACT: STATEMENT OF AGENCY POLICY AND INTERPRETATION

APPENDIX B TO PART 228—SCHEDULE OF CIVIL PENALTIES

APPENDIX C TO PART 228—GUIDELINES FOR CLEAN, SAFE, AND SANITARY RAILROAD PROVIDED CAMP CARS

AUTHORITY: 49 U.S.C. 20103, 20107, 21101-21108; 28 U.S.C. 2461, note and 49 CFR 1.49.

SOURCE: 37 FR 12234, June 21, 1972, unless otherwise noted.

**Subpart A—General**

**§ 228.1 Scope.**

This part—

(a) Prescribes reporting and record keeping requirements with respect to the hours of service of certain railroad employees; and

(b) Establishes standards and procedures concerning the construction or reconstruction of employee sleeping quarters.

[43 FR 31012, July 19, 1978]

**§ 228.3 Application.**

(a) Except as provided in paragraph (b), this part applies to all railroads.

(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