

§ 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 (10–1–05 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.

Federal Railroad Administration, DOT

§ 209.3

CRIMINAL PENALTIES

- 209.131 Criminal penalties generally.
- 209.133 Referral for prosecution.

Subpart C—Compliance Orders

- 209.201 Compliance orders generally.
- 209.203 Notice of investigation.
- 209.205 Reply.
- 209.207 Consent order.
- 209.209 Hearing.
- 209.211 Presiding officer's decision.
- 209.213 Appeal.
- 209.215 Time limitation.

Subpart D—Disqualification Procedures

- 209.301 Purpose and scope.
- 209.303 Coverage.
- 209.305 Notice of proposed disqualification.
- 209.307 Reply.
- 209.309 Informal response.
- 209.311 Request for hearing.
- 209.313 Discovery.
- 209.315 Subpoenas.
- 209.317 Official record.
- 209.319 Prehearing conference.
- 209.321 Hearing.
- 209.323 Initial decision.
- 209.325 Finality of decision.
- 209.327 Appeal.
- 209.329 Assessment considerations.
- 209.331 Enforcement of disqualification order.
- 209.333 Prohibitions.
- 209.335 Penalties.
- 209.337 Information collection.

Subpart E—Reporting of Remedial Actions

- 209.401 Purpose and scope.
- 209.403 Applicability.
- 209.405 Reporting of remedial actions.
- 209.407 Delayed reports.
- 209.409 Penalties.

APPENDIX A TO PART 209—STATEMENT OF AGENCY POLICY CONCERNING ENFORCEMENT OF THE FEDERAL RAILROAD SAFETY LAWS

APPENDIX B TO PART 209—FEDERAL RAILROAD ADMINISTRATION GUIDELINES FOR INITIAL HAZARDOUS MATERIALS ASSESSMENTS

APPENDIX C TO PART 209—FRA'S POLICY STATEMENT CONCERNING SMALL ENTITIES

AUTHORITY: 49 U.S.C. 20103, 20107, 20111, 20112, 20114; 28 U.S.C. 2461, note; and 49 CFR 1.49.

SOURCE: 42 FR 56742, Oct. 28, 1977, unless otherwise noted.

Subpart A—General

§ 209.1 Purpose.

Appendix A to this part contains a statement of agency policy concerning

enforcement of those laws. This part describes certain procedures employed by the Federal Railroad Administration in its enforcement of statutes and regulations related to railroad safety. By delegation from the Secretary of Transportation, the Administrator has responsibility for:

(a) Enforcement of subchapters B and C of chapter I, subtitle B, title 49, CFR, with respect to the transportation or shipment of hazardous materials by railroad (49 CFR 1.49(s));

(b) Exercise of the authority vested in the Secretary by the Federal Railroad Safety Act of 1970, 45 U.S.C. 421, 431–441, as amended by the Rail Safety Improvement Act of 1988, Public Law 100-342 (June 22, 1988) (49 CFR 1.49(m)); and

(c) Exercise of the authority vested in the Secretary pertaining to railroad safety as set forth in the statutes transferred to the Secretary by section 6(e) of the Department of Transportation Act, 49 App. U.S.C. 1655(e) (49 CFR 1.49 (c), (d), (f), and (g)).

[42 FR 56742, Oct. 28, 1977, as amended at 53 FR 52920, Dec. 29, 1988; 54 FR 42905, Oct. 18, 1989]

§ 209.3 Definitions.

As used in this part—

Administrator means the Administrator of FRA, the Deputy Administrator of FRA, or the delegate of either.

Chief Counsel means the Chief Counsel of FRA or his or her delegate.

Day means calendar day.

Federal railroad safety laws means the provisions of law generally at 49 U.S.C. subtitle V, part A or 49 U.S.C. chap. 51 or 57 and the rules, regulations, orders, and standards issued under any of those provisions. See Pub. L. 103-272 (1994). Before recodification, these statutory provisions were contained in the following statutes: (i) the Federal Railroad Safety Act of 1970 (Safety Act) (49 U.S.C. 20101–20117, 20131, 20133–20141, 20143, 21301, 21302, 21304, 21311, 24902, and 24905, and sections 4(b)(1), (i), and (t) of Pub. L. 103-272, formerly codified at 45 U.S.C. 421, 431 *et seq.*); (ii) the Hazardous Materials Transportation Act (Hazmat Act) (49 U.S.C. 5101 *et seq.*, formerly codified at 49 App. U.S.C. 1801 *et*