

**§ 235.13**

**49 CFR Ch. II (10–1–06 Edition)**

**§ 235.13 Filing procedure.**

(a) Applications or requests for reconsideration of an application shall be submitted by an authorized officer of the carrier.

(b) The original and two copies of each application with supporting papers should be filed.

(c) The application and correspondence in reference thereto should be addressed to the Associate Administrator for Safety, Federal Railroad Administration, Washington, DC 20590.

(d) A separate application shall be filed for each project.

(e) At a joint facility where changes are proposed in the automatic block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system on the tracks of more than one carrier, or if more than one carrier will be affected by the proposed changes or relief sought, a joint application signed by all carriers affected shall be filed.

(f) Where only one carrier at a joint facility is affected by the discontinuance or modification of the installation or relief sought, it shall be responsible for filing the application. It shall also certify that the other joint carriers have been notified of the filing of its application.

(Approved by the Office of Management and Budget under control number 2130-0042)

**§ 235.14 Notice.**

The FRA will publish notice of the filing of an application or a request for reconsideration of an application in the

FEDERAL REGISTER and a copy of such notice will be available at the Department of Transportation Central Docket Management System, Nassif Building, Room PL-401, 400 Seventh Street, S.W., Washington, D.C. 20590, and on the Docket Management System's Web site at <http://dms.dot.gov>.

[64 FR 70195, Dec. 16, 1999]

**§ 235.20 Protests.**

(a) A protest against the granting of an application shall set forth specifically the grounds upon which it is made, and contain a concise statement of the interest of protestant in the proceeding.

(b) The original and two copies of any protest shall be filed with the Associate Administrator for Safety, Federal Railroad Administration, Washington, DC 20590, and one copy shall be furnished to each applicant.

(c) Protests should be filed within the time limit set forth in the public notice.

(d) The protestant shall certify that service of a copy of its protest was made upon each applicant.

(e) Request for hearing must be accompanied with a showing why the protestant is unable to properly present his or her position by written statements.

EFFECTIVE DATE NOTE: At 49 FR 3380, Jan. 26, 1984, part 235 was revised. This section contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

APPENDIX A TO PART 235—SCHEDULE OF CIVIL PENALTIES<sup>1</sup>

Section	Violation	Willful violation
235.5 Changes requiring filing of application	\$5,000	\$7,500

[53 FR 52936, Dec. 29, 1988, as amended at 69 FR 62818, Oct. 28, 2004]

<sup>1</sup>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.