

Federal Railroad Administration, DOT

§ 235.12

an individual carrier. Relief heretofore granted to any carrier shall constitute relief to the same extent as relief granted under the requirements of this part.

(Approved by the Office of Management and Budget under control number 2130-0043)

§ 235.9 Civil penalty.

Any person (an entity of any type covered under 1 U.S.C. 1, including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least \$550 and not more than \$11,000 per violation, except that: Penalties may be assessed against individuals only for willful violations, and, where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty not to exceed \$27,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense. See appendix A to this part for a statement of agency civil penalty policy.

[63 FR 11623, Mar. 10, 1998, as amended at 69 FR 30595, May 28, 2004]

§ 235.10 Contents of applications.

(a) The application may be submitted by letter and shall contain the following information:

- (1) The corporate name of each applicant;
- (2) The manner in which applicant is involved;
- (3) The location of the project, giving name of operating division and nearest station;
- (4) The track or tracks involved;
- (5) A complete description of proposed changes as they would affect the existing facilities or of the section from which relief is sought;

(6) The reason for proposed changes or justification for relief from the requirements;

(7) The approximate dates of beginning and completion of project;

(8) Changes in operating practices, temporary or permanent;

(9) Whether safety of operation will be affected, and if so, how; and

(10) Whether proposed changes will conform to the Federal Railroad Administration's Rules, Standards and Instructions (part 236 of this title).

(b) [Reserved]

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

§ 235.12 Additional required information-prints.

(a) A print or prints, size 8 inches by 10½ inches, or 8½ inches by 11 inches, or folded to 8 inches by 10½ inches or to 8½ inches by 11 inches, shall be furnished with each application.

(b) The print or prints shall be to scale or by indicated dimensions, using Association of American Railroads graphic symbols.

(c) The following information shall be shown on the print or prints:

- (1) Present and proposed arrangement of tracks and signal facilities;
- (2) Name of carrier;
- (3) Operating division;
- (4) Place and State; and
- (5) Timetable directions of movements.

(d) If stopping distances are involved, the following information shall also be shown:

- (1) Curvature and grade;
- (2) Maximum authorized speeds of trains; and
- (3) Length of signal control circuits for each signal indication displayed.

(e) The following color scheme is suggested on prints:

- (1) Installations, relocations, and added signal aspects should be colored, preferably in yellow;
- (2) Removals, discontinuances, and abandonments should be colored, preferably in red; and
- (3) Existing facilities not pertinent to change proposed in application should be shown uncolored.

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