

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. 5123, 5124, 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 hazardous material transportation law means 49 U.S.C. 5101 *et seq.*

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