

§210.33

49 CFR Ch. II (10–1–07 Edition)

(c) Any locomotive subject to this part that is found not to be in compliance with the Standards as a result of a passby test shall be subjected to a load cell test or another passby test prior to return to service, except that no such retest shall be required if the cause of the noise defect is readily apparent and is corrected by the replacement of defective components or by a normal maintenance or repair procedure.

(d) The last entry recorded on Form F 6180.49 as required in paragraph (b) of this section shall be transcribed to a new Form FRA F 6180.49 when it is posted in the locomotive cab.

(e) Locomotives tested pursuant to the procedures prescribed in this part and in the Standards shall be considered in noncompliance wherever the test measurement, minus the appropriate

tolerance (§210.25), exceeds the noise emission levels prescribed in appendix A of this part.

§210.33 Operation standards (switcher locomotives, load cell test stands, car coupling operations, and retarders).

(a) Measurement on receiving property of the noise emission levels from switcher locomotives, load cell test stands, car coupling operations, and retarders shall be performed in accordance with the requirements of 40 CFR part 201 and §210.25 of this part.

(b) These sources shall be considered in noncompliance whenever the test measurement, minus the appropriate tolerance (§210.25), exceeds the noise emission levels prescribed in appendix A of this part.

APPENDIX A TO PART 210—SUMMARY OF NOISE STANDARDS, 40 CFR PART 201

Paragraph and section	Noise source	Noise standard— A weighted sound level in dB	Noise measure ¹	Measurement location
<i>All Locomotives Manufactured on or Before 31 December 1979</i>				
201.11(a)	Stationary, Idle Throttle Setting	73	L _{max} (slow)	30 m (100 ft)
201.11(a)	Stationary, All Other Throttle Settings	93	.....do	Do.
201.12(a)	Moving	96	L _{max} (fast)	Do.
<i>All Locomotives Manufactured After 31 December 1979</i>				
201.11(b)	Stationary, Idle Throttle Setting	70	L _{max} (slow)	Do.
201.11(b)	Stationary, All Other Throttle Settings	87	.....do	Do.
201.12(b)	Moving	90	L _{max} (fast)	Do.
201.11(c) and 201.12(c).	<i>Additional Requirement for Switcher Locomotives Manufactured on or Before 31 December 1979 Operating in Yards Where Stationary Switcher and other Locomotive Noise Exceeds the Receiving Property Limit of.</i>	65	L ₉₀ (fast) ²	Receiving property
201.11(c)	Stationary, Idle Throttle Setting	70	L _{max} (slow)	30 m (100 ft)
201.11(c)	Stationary, All Other Throttle Settings	87	.....do	Do.
201.12(c)	Moving	90	L _{max} (fast)	Do.
<i>Rail Cars</i>				
201.13(1)	Moving at Speeds of 45 mph or Less	88	.....do	Do.
201.13(2)	Moving at Speeds Greater than 45 mph	93	.....do	Do.
<i>Other Yard Equipment and Facilities</i>				
201.14	Retarders	83	L _{adjvemax} (fast)	Receiving property
201.15	Car-Coupling Operations	92	.....do	Do.
201.16	<i>Locomotive Load Cell Test Stands, Where the Noise from Locomotive Load Cell Operations Exceeds the Receiving Property Limits of.</i>	65	L ₉₀ (fast) ²	Do.
201.16(a)	Primary Standard	78	L _{max} (slow)	30 m (100 ft).

Paragraph and section	Noise source	Noise standard—A weighted sound level in dB	Noise measure ¹	Measurement location
201.16(b)	Secondary Standard if 30-m Measurement Not Feasible.	65	L ₉₀ (fast)	Receiving property located more than 120 m from Load Cell.

¹ L_{max}=Maximum sound level; L₉₀=Statistical sound level exceeded 90% of the time; L_{adjavemax}=Adjusted average maximum sound level.

² L₉₀ must be validated by determining that L₁₀-L₉₉ is less than or equal to 4dB (A).

[48 FR 56758, Dec. 23, 1983; 49 FR 1521, Jan. 12, 1984]

APPENDIX B TO PART 210—SWITCHER
LOCOMOTIVE ENFORCEMENT POLICY

The EPA standards require that the noise emissions from all switcher locomotives in a particular facility be less than prescribed levels measured at 30 meters, under all operating modes. This requirement is deemed to be met unless “receiving property” noise due to switcher locomotives exceeds 65 dB(A), when measured in accordance with subpart C of 40 CFR part 201. The 65 dB(A) receiving property standard is the “trigger” for requiring the 30-meter test of switcher locomotives.

The purpose underlying FRA’s enforcement of the noise standards is to reduce the impact of rail operations noise on receiving properties. In some instances, measures other than the 30-meter test approach may more effectively reduce the noise levels at receiving properties; therefore, FRA enforcement efforts will focus on abatement procedures that will achieve a reduction of receiving property noise levels to less than 65 dB(A).

For example, a parked, idling locomotive, even if equipped with exhaust silencing that meets the stationary locomotive standard (30-meter test), may cause the receiving property standard to be exceeded if located on trackage adjacent to the receiving property. In that case, application of the 30-meter test to other switcher locomotives at the facility may not serve to reduce the receiving property noise level. On the other hand, operational changes by the railroad could significantly reduce receiving property noise levels. In such case, FRA would consider retesting after abatement measures have been taken. If the receiving property noise level is below the trigger and the abatement action is adopted, FRA would not make a 30-meter test of the switcher locomotives at the facility.

PART 211—RULES OF PRACTICE

Subpart A—General

- Sec.
- 211.1 General.
- 211.3 Participation by interested persons.
- 211.5 Regulatory docket.
- 211.7 Filing requirements.
- 211.9 Content of rulemaking and waiver petitions.

Subpart B—Rulemaking Procedures

- 211.11 Processing of petitions for rulemaking.
- 211.13 Initiation and completion of rulemaking proceedings.
- 211.15 Notice and participation.
- 211.17 Publication and contents of notices.
- 211.19 Petitions for extensions of time to comment.
- 211.21 Consideration of comments received.
- 211.23 Additional public proceedings.
- 211.25 Hearings.
- 211.27 Publication of adopted rules and withdrawal of notices.
- 211.29 Petitions for reconsideration of a final rule.
- 211.31 Proceedings on petitions for reconsideration of a final rule.
- 211.33 Direct final rulemaking procedures.

Subpart C—Waivers

- 211.41 Processing of petitions for waiver of safety rules.
- 211.43 Processing of other waiver petitions.
- 211.45 Petitions for emergency waiver of safety rules.

Subpart D—Emergency Orders

- 211.47 Review procedures.

Subpart E—Miscellaneous Safety-Related Proceedings and Inquiries

- 211.51 Tests.
- 211.53 Signal applications.
- 211.55 Special approvals.