

practicable within seven calendar days. If repairs are not made within seven calendar days, the on-track roadway maintenance machine or hi-rail vehicle shall be placed out of on-track service.

§214.533 Schedule of repairs subject to availability of parts.

(a) The employer shall order a part necessary to repair a non-complying condition on an on-track roadway maintenance machine or a hi-rail vehicle by the end of the next business day following the report of the defect.

(b) When the employer cannot repair a non-complying condition as required by §214.531 because of the temporary unavailability of a necessary part, the employer shall repair the on-track roadway maintenance machine or hi-rail vehicle within seven calendar days after receiving the necessary part. The employer may continue to use the on-track roadway maintenance machine or hi-rail vehicle with a non-complying condition until receiving the necessary part(s) for repair, subject to the requirements of §214.503. However, if a non-complying condition is not repaired within 30 days following the re-

port of the defect, the employer shall remove the on-track roadway maintenance machine or hi-rail vehicle from on-track service until it is brought into compliance with this subpart.

(c) If the employer fails to order a part necessary to repair the reported non-complying condition, or if it fails to install an available part within the required seven calendar days, the on-track roadway maintenance machine or hi-rail vehicle shall be removed from on-track service until brought into compliance with this subpart.

(d) Each employer shall maintain records pertaining to compliance with this section. Records may be kept on forms provided by the employer or by electronic means. The employer shall retain each record for at least one year, and the records shall be made available for inspection and copying during normal business hours by representatives of FRA and States participating under part 212 of this chapter. The records may be kept on the on-track roadway maintenance machine or hi-rail vehicle or at a location designated by the employer.

APPENDIX A TO PART 214—SCHEDULE OF CIVIL PENALTIES¹

Section	Violation	Willful
Subpart B—Bridge Worker Safety Standards		
214.103 Fall protection:		
(i) Failure to provide fall protection	\$5,000	\$10,000
(ii) Failure to use fall protection		2,500
214.105 Standards and practices:		
(a) General:		
(1) Fall protection used for other purposes	2,500	5,000
(2) Failure to remove from service	2,500	5,000
(3) Failure to protect from deterioration	2,500	5,000
(4) Failure to inspect and remove	5,000	10,000
(5) Failure to train	5,000	10,000
(6) Failure to provide for prompt rescue	5,000	10,000
(7) Failure to prevent damage	2,500	5,000
(8) Failure to use proper connectors	2,500	5,000
(9) Failure to use proper anchorages	2,500	5,000
(b) Fall arrest system:		
(1)–(17) Failure to provide conforming equipment	2,500	5,000
(c) Safety net systems:		
(1) Failure to install close to workplace	2,500	5,000
(2) Failure to provide fall arrest if over 30 feet	5,000	10,000
(3) Failure to provide for unobstructed fall	5,000	10,000
(4) Failure to test	2,500	5,000
(5) Failure to use proper equipment	2,500	5,000
(6) Failure to prevent contact with surface below	5,000	10,000
(7) Failure to properly install	5,000	10,000
(8) Failure to remove defective nets	5,000	10,000
(9) Failure to inspect	5,000	10,000
(10) Failure to remove objects	1,000	2,500
(11)–(13) Failure to use conforming equipment	2,500	10,000
214.107 Working over water:		
(a)(i) Failure to provide life vest	5,000	10,000

Section	Violation	Willful
(ii) Failure to use life vest		1,500
(c) Failure to inspect	2,500	5,000
(e)(i) Failure to provide ring bouys	5,000	10,000
(ii) Failure to use ring bouys		1,500
(f)(i) Failure to provide skiff	1,000	2,500
(ii) Failure to use skiff		1,500
214.109 Scaffolding:		
(a)–(f) Failure to provide conforming equipment	2,500	5,000
214.113 Head protection:		
(a)(i) Failure to provide	2,500	5,000
(ii) Failure to use		1,500
(b) or (c) Failure to provide conforming equipment	2,500	5,000
214.115 Foot protection:		
(a)(i) Failure to require use of	2,500	5,000
(ii) Failure to use		1,500
214.117 Eye and face protection:		
(a)(i) Failure to provide	2,500	5,000
(ii) Failure to use		1,500
(b) Failure to use conforming equipment	2,500	5,000
(c) Use of defective equipment	2,500	5,000
(d) Failure to provide for corrective lenses	2,500	5,000
Subpart C—Roadway Worker Protection Rule		
214.303 Railroad on-track safety programs, generally:		
(a) Failure of a railroad to implement an On-track Safety Program	10,000	20,000
(b) On-track Safety Program of a railroad includes no internal monitoring procedure	5,000	10,000
214.305 Compliance Dates:		
Failure of a railroad to comply by the specified dates	5,000	10,000
214.307 Review and approval of individual on-track safety programs by FRA:		
(a)(i) Failure to notify FRA of adoption of On-track Safety Program	1,000	5,000
(ii) Failure to designate primary person to contact for program review	1,000	2,000
214.309 On-track safety program documents:		
(1) On-track Safety Manual not provided to prescribed employees	2,000	5,000
(2) On-track Safety Program documents issued in fragments	2,000	5,000
214.311 Responsibility of employers:		
(b) Roadway worker required by employer to foul a track during an unresolved challenge	5,000	10,000
(c) Roadway workers not provided with written procedure to resolve challenges of on-track safety procedures	5,000	10,000
214.313 Responsibility of individual roadway workers:		
(b) Roadway worker fouling a track when not necessary in the performance of duty		1,000
(c) Roadway worker fouling a track without ascertaining that provision is made for on-track safety		1,500
(d) Roadway worker failing to notify employer of determination of improper on-track safety provisions		3,000
214.315 Supervision and communication:		
(a) Failure of employer to provide job briefing	2,000	10,000
(b) Incomplete job briefing	2,000	5,000
(c)(i) Failure to designate roadway worker in charge of roadway work group	2,000	5,000
(ii) Designation of more than one roadway worker in charge of one roadway work group ...	1,000	2,000
(iii) Designation of non-qualified roadway worker in charge of roadway work group	3,000	6,000
(d)(i) Failure to notify roadway workers of on-track safety procedures in effect	3,000	6,000
(ii) Incorrect information provided to roadway workers regarding on-track safety procedures in effect	3,000	6,000
(iii) Failure to notify roadway workers of change in on-track safety procedures	3,000	6,000
(e)(i) Failure of lone worker to communicate with designated employee for daily job briefing ...		1,500
(ii) Failure of employer to provide means for lone worker to receive daily job briefing	3,000	6,000
214.317 On-track safety procedures, generally:		
On-track safety rules conflict with this part	5,000	10,000
214.319 Working limits, generally:		
(a) Non-qualified roadway worker in charge of working limits	5,000	10,000
(b) More than one roadway worker in charge of working limits on the same track segment	2,000	5,000
(c)(1) Working limits released without notifying all affected roadway workers	5,000	10,000
(2) Working limits released before all affected roadway workers are otherwise protected ...	5,000	10,000
214.321 Exclusive track occupancy:		
(b) Improper transmission of authority for exclusive track occupancy	2,000	5,000
(b)(1) Failure to repeat authority for exclusive track occupancy to issuing employee		1,500
(2) Failure to retain possession of written authority for exclusive track occupancy		1,000
(3) Failure to record authority for exclusive track occupancy when issued		2,000
(c) Limits of exclusive track occupancy not identified by proper physical features	2,000	4,000
(d)(1) Movement authorized into limits of exclusive track occupancy without authority of roadway worker in charge	5,000	10,000
(2) Movement authorized within limits of exclusive track occupancy without authority of roadway worker in charge	5,000	10,000
(3) Movement within limits of exclusive track occupancy exceeding restricted speed without authority of roadway worker in charge	5,000	10,000

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Section	Violation	Willful
214.323 Foul time:		
(a) Foul time authority overlapping movement authority of train or equipment	5,000	10,000
(b) Failure to repeat foul time authority to issuing employee		1,500
214.325 Train coordination:		
(a) Train coordination limits established where more than one train is authorized to operate	1,500	4,000
(b)(1) Train coordination established with train not visible to roadway worker at the time		1,500
(2) Train coordination established with moving train		1,500
(3) Coordinated train moving without authority of roadway worker in charge	2,000	5,000
(4) Coordinated train releasing movement authority while working limits are in effect	3,000	6,000
214.327 Inaccessible track:		
(a) Improper control of entry to inaccessible track	3,000	6,000
(5) Remotely controlled switch not properly secured by control operator	3,000	6,000
(b) Train or equipment moving within inaccessible track limits without permission of roadway worker in charge	3,000	6,000
(c) Unauthorized train or equipment located within inaccessible track limits	2,000	5,000
214.329 Train approach warning provided by watchmen/lookouts:		
(a) Failure to give timely warning of approaching train		5,000
(b)(1) Failure of watchman/lookout to give full attention to detecting approach of train		3,000
(2) Assignment of other duties to watchman/lookout	3,000	5,000
(c) Failure to provide proper warning signal devices	2,000	5,000
(d) Failure to maintain position to receive train approach warning signal		2,000
(e) Failure to communicate proper warning signal	1,500	3,000
(f)(1) Assignment of non-qualified person as watchman/lookout	3,000	5,000
(2) Non-qualified person accepting assignment as watchman/lookout		1,500
(g) Failure to properly equip a watchman/lookout	2,000	4,000
214.331 Definite train location:		
(a) Definite train location established where prohibited	3,000	5,000
(b) Failure to phase out definite train location by required date	3,000	5,000
(d)(1) Train location information issued by unauthorized person	2,000	5,000
(2) Failure to include all trains operated on train location list	3,000	5,000
(5) Failure to clear a by ten minutes at the last station at which time is shown		2,000
(6) Train passing station before time shown in train location list	3,000	5,000
(7) Non-qualified person using definite train location to establish on-track safety	2,000	3,000
214.333 Informational line-ups of trains:		
(a) Informational line-ups of trains used for on-track safety where prohibited	3,000	5,000
(b) Informational line-up procedures inadequate to protect roadway workers	5,000	10,000
(c) Failure to discontinue informational line-ups by required date	5,000	10,000
214.335 On-track safety procedures for roadway work groups :		
(a) Failure to provide on-track safety for a member of a roadway work group	3,000	5,000
(b) Member of roadway work group fouling a track without authority of employee in charge		2,000
(c) Failure to provide train approach warning or working limits on adjacent track where required	3,000	5,000
214.337 On-track safety procedures for lone workers:		
(b) Failure by employer to permit individual discretion in use of individual train detection	5,000	10,000
(c)(1) Individual train detection used by non-qualified employee	2,000	4,000
(2) Use of individual train detection while engaged in heavy or distracting work		2,000
(3) Use of individual train detection in controlled point or manual interlocking		2,000
(4) Use of individual train detection with insufficient visibility		2,000
(5) Use of individual train detection with interfering noise		2,000
(6) Use of individual train detection while a train is passing		3,000
(d) Failure to maintain access to place of safety clear of live tracks		2,000
(e) Lone worker unable to maintain vigilant lookout		2,000
(f)(1) Failure to prepare written statement of on-track safety		1,500
(2) Incomplete written statement of on-track safety		1,000
(3) Failure to produce written statement of on-track safety to FRA		1,500
214.339 Audible warning from trains:		
(a) Failure to require audible warning from trains	2,000	4,000
(b) Failure of train to give audible warning where required	1,000	3,000
214.341 Roadway maintenance machines:		
(a) Failure of on-track safety program to include provisions for safety near roadway maintenance machines	3,000	5,000
(b) Failure to provide operating instructions	2,000	4,000
(1) Assignment of non-qualified employee to operate machine	2,000	5,000
(2) Operator unfamiliar with safety instructions for machine	2,000	5,000
(3) Roadway worker working with unfamiliar machine	2,000	5,000
(c) Roadway maintenance machine not clear of passing trains	3,000	6,000
214.343 Training and qualification, general:		
(a)(1) Failure of railroad program to include training provisions	5,000	10,000
(2) Failure to provide initial training	3,000	6,000
(b) Failure to provide annual training	2,500	5,000
(c) Assignment of non-qualified railroad employees to provide on-track safety	4,000	8,000
(d)(1) Failure to maintain records of qualifications	2,000	4,000
(2) Incomplete records of qualifications	1,000	3,000
(3) Failure to provide records of qualifications to FRA	2,000	4,000

Section	Violation	Willful
214.345 Training for all roadway workers		
214.347 Training and qualification for lone workers		
214.349 Training and qualification of watchmen/lookouts		
214.351 Training and qualification of flagmen		
214.353 Training and qualification of roadway workers who provide on-track safety for roadway work groups		
214.355 Training and qualification in on-track safety for operators of roadway maintenance machines		
Subpart D—On-Track Roadway Maintenance Machines and Hi-Rail Vehicles		
214.503 Good-faith challenges; procedures for notification and resolution:		
(a) Failure of employee to notify employer that the machine or vehicle does not comply with this subpart or has a condition inhibiting safe operation	4,000	4,000
(b) Roadway worker required to operate machine or vehicle when good-faith challenge not resolved	5,000	10,000
(c) Failure of employer to have or follow written procedures to resolve good-faith challenges	5,000	10,000
214.505 Required environmental control and protection systems for new on-track roadway maintenance machines with enclosed cabs:		
(a) Failure to equip new machines with required systems	5,000	10,000
(b) Failure of new or existing machines to protect employees from exposure to air contaminants	5,000	10,000
(c) Failure of employer to maintain required list of machines or make list available	2,000	4,000
(d) Removal of "designated machine" from list before retired or sold	2,000	4,000
(e) Personal respiratory protective equipment not provided when ventilation system fails ...	5,000	10,000
(f) Personal respiratory protective equipment fails to meet required standards	5,000	10,000
(g) Other new machines with enclosed cabs not equipped with operable heating and ventilation systems	5,000	10,000
(h) Non-enclosed station not equipped with covering, where feasible	5,000	10,000
214.507 Required safety equipment for new on-track roadway maintenance machines:		
(a)(1)–(5) Failure to equip new machine or provide protection as specified in these paragraphs	5,000	10,000
(a)(6)–(7) Failure to equip new machine with first-aid kit or operative and charged fire extinguisher	2,500	5,000
(b) Position for operator to stand not properly equipped to provide safe and secure position	5,000	10,000
(c) New machine not equipped with accurate speed indicator, as required.	2,500	5,000
(d) As-built light weight not conspicuously displayed on new machine	2,500	5,000
214.509 Required visual illumination and reflective devices for new on-track roadway maintenance machines	2,500	5,000
214.511 Required audible warning devices for new on-track roadway maintenance machines	5,000	10,000
214.513 Retrofitting of existing on-track roadway maintenance machines; general:		
(a) Failure to provide safe and secure position and protection from moving parts 2,000 4,000 inside cab for each roadway worker transported on machine	5,000	10,000
(b) Horn or other audible warning device is missing, inoperable, or has non-compliant triggering mechanism	2,500	5,000
(c) Illumination device or portable light missing, inoperable, improperly secured, or incapable of illuminating track as required	2,500	5,000
214.515 Overhead covers for existing on-track roadway maintenance machines:		
(a) Failure to repair, reinstall, or maintain overhead cover as required	5,000	10,000
(b) Failure to provide written response to operator's request within 60 days	2,000	4,000
214.517 Retrofitting of existing on-track roadway maintenance machines manufactured on or after January 1, 1991:		
(a) Failure to equip machine with change-of-direction alarm or rearward viewing device. ...	5,000	10,000
(b) Failure to equip machine with operative heater	5,000	10,000
(c) Failure to display light weight of machine as required	2,500	5,000
(d) Failure to equip machine with reflective material, reflective device, or operable brake lights	5,000	10,000
(e) Failure to install or replace safety glass as required	5,000	10,000
(f) Failure to equip machine with turntable restraint device or warning light as required	5,000	10,000
214.518 Safe and secure position for riders	5,000	10,000
214.519 Floors, decks, stairs, and ladders for on-track roadway maintenance machines	5,000	10,000
214.521 Flagger equipment for on-track roadway maintenance machines and hi-rail vehicles	2,500	5,000
214.523 Hi-rail vehicles:		
(a) Failure to inspect hi-rail gear annually	5,000	10,000
(b) Failure to maintain inspection record or make record available to FRA	2,000	4,000
(c) Failure to equip new hi-rail vehicle with alarm and light or beacon as required	2,500	5,000
(d)(2) Failure of operator to tag, date or report non-complying condition	2,000	4,000
(d)(3) Failure to repair or replace non-complying alarms, lights or beacons as required	2,500	5,000
214.525 Towing with on-track roadway maintenance machines or hi-rail vehicles	5,000	10,000
214.527 On-track roadway maintenance machines; inspection for compliance and schedule for repairs:		
(a) Failure of operator to check on-track roadway maintenance machine for compliance	2,000	4,000
(b) Failure of operator to tag, date, or report noncomplying condition	2,000	4,000

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§ 215.3

Section	Violation	Willful
(c)(1)–(4) Failure to meet requirements for operating on-track roadway maintenance machine with non-complying headlights, work lights, horn, fire extinguisher, alarm, warning light, or beacon	2,500	5,000
(c)(5) Failure to repair or replace defective or missing operator's seat within required time period	5,000	10,000
214.529 In-service failure of primary braking system	5,000	10,000
214.531 Schedule of repairs; general	2,500	5,000
214.533 Schedule of repairs subject to availability of parts:		
(a)–(c) Failure to order necessary part(s), make repair(s), or remove on-track roadway maintenance machine or hi-rail vehicle from service as required	2,500	5,000
(d) Failure to maintain record or make record available to FRA	2,000	4,000

¹ 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.

[57 FR 28127, June 24, 1992, as amended at 61 FR 65981, Dec. 16, 1996; 63 FR 11620, Mar. 10, 1998; 68 FR 44412, July 28, 2003; 69 FR 8839, Feb. 26, 2004; 69 FR 30593, May 28, 2004]

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

Subpart D—Stenciling

Subpart A—General

- Sec.
- 215.1 Scope of part.
- 215.3 Application.
- 215.5 Definitions.
- 215.7 Prohibited acts.
- 215.9 Movement of defective cars for repair.
- 215.11 Designated inspectors.
- 215.13 Pre-departure inspection.
- 215.15 Periodic inspection.

Subpart B—Freight Car Components

- 215.101 Scope.
- SUSPENSION SYSTEM
- 215.103 Defective wheel.
- 215.105 Defective axle.
- 215.107 Defective plain bearing box: General.
- 215.109 Defective plain bearing box: Journal lubrication system.
- 215.111 Defective plain bearing.
- 215.113 Defective plain bearing wedge.
- 215.115 Defective roller bearing.
- 215.117 Defective roller bearing adapter.
- 215.119 Defective freight car truck.

CAR BODIES

- 215.121 Defective car body.
- DRAFT SYSTEM
- 215.123 Defective couplers.
- 215.125 Defective uncoupling device.
- 215.127 Defective draft arrangement.
- 215.129 Defective cushioning device.

Subpart C—Restricted Equipment

- 215.201 Scope.
- 215.203 Restricted cars.

- 215.301 General.
- 215.303 Stenciling of restricted cars.
- 215.305 Stenciling of maintenance-of-way equipment.
- APPENDIX A TO PART 215—RAILROAD FREIGHT CAR COMPONENTS
- APPENDIX B TO PART 215—SCHEDULE OF CIVIL PENALTIES
- APPENDIX C TO PART 215—FRA FREIGHT CAR STANDARDS DEFECT CODE
- APPENDIX D TO PART 215—PRE-DEPARTURE INSPECTION PROCEDURE

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

SOURCE: 44 FR 77340, Dec. 31, 1979, unless otherwise noted.

Subpart A—General

§ 215.1 Scope of part.

This part prescribes minimum Federal safety standards for railroad freight cars.

§ 215.3 Application.

(a) Except as provided in paragraphs (b) and (c) of this section, this part applies to each railroad freight car in service on:

- (1) Standard gage track of a railroad; or
- (2) Any other standard gage track while the car is being operated by, or is otherwise under the control of, a railroad.

(b) Sections 215.15 and 215.303 of this part do not apply to any car:

- (1) Owned by a Canadian or Mexican Railroad; and
- (2) Having a Canadian or Mexican reporting mark and car number.