

Federal Railroad Administration, DOT

§ 214.1

APPENDIX B TO PART 213—SCHEDULE OF CIVIL PENALTIES<sup>1</sup>

APPENDIX B TO PART 213—SCHEDULE OF CIVIL PENALTIES<sup>1</sup>—Continued

Section	Violation	Willful violation
Subpart A—General:		
213.4(a) Excepted track <sup>2</sup> ...	\$2,500	\$5,000
213.4(b) Excepted track <sup>2</sup> ...	2,500	5,000
213.4(c) Excepted track <sup>2</sup> ...	2,500	5,000
213.4(d) Excepted track <sup>2</sup> ...	2,500	5,000
213.4(e):		
1 Excepted track .....	5,000	7,500
2 Excepted track .....	7,000	10,000
32 Excepted track .....	7,000	10,000
213.7 Designation of qualified persons to supervise certain renewals and inspect track .....	1,000	2,000
213.9 Classes of track:		
Operating speed limits	2,500	5,000
213.11 Restoration or renewal of track under traffic conditions .....	2,500	5,000
213.13 Measuring track not under load .....	1,000	2,000
Subpart B—Roadbed:		
213.33 Drainage .....	2,500	5,000
213.37 Vegetation .....	1,000	2,000
Subpart C—Track geometry:		
213.53 Gage .....	5,000	7,500
213.55 Alinement .....	5,000	7,500
213.57 Curves; elevation and speed limitations .....	2,500	5,000
213.59 Elevation of curved track; runoff .....	2,500	5,000
213.63 Track surface .....	5,000	7,500
Subpart D—Track surface:		
213.103 Ballast; general ..	2,500	5,000
213.109 Crossties		
(a) Material used .....	1,000	2,000
(b) Distribution of ties ..	2,500	5,000
(c) Sufficient number of nondefective ties .....	1,000	2,000
(d) Joint ties .....	2,500	5,000
213.113 Defective rails .....	5,000	7,500
213.115 Rail end mismatch	2,500	5,000
213.121 (a) Rail joints .....	2,500	5,000
213.121 (b) Rail joints .....	2,500	5,000
213.121 (c) Rail joints .....	5,000	7,500
213.121 (d) Rail joints .....	2,500	5,000
213.121 (e) Rail joints .....	2,500	5,000
213.121 (f) Rail joints .....	2,500	5,000
213.121 (g) Rail joints .....	5,000	7,500
213.123 Tie plates .....	1,000	2,000
213.127 Track spikes .....	2,500	5,000
213.133 Turnouts and track crossings generally .....	1,000	2,000
213.135 Switches:		
(a) through (g) .....	2,500	5,000
(h) chipped or worn points .....	5,000	7,500
213.137 Frogs .....	2,500	5,000
213.139 Spring rail frogs	5,000	7,500
213.141 Self-guarded frogs .....	2,500	5,000
213.143 Frog guard rails and guard faces; gage ....	2,500	5,000
Subpart E—Track appliances and track-related devices:		
213.205 Derails .....	2,500	5,000
Subpart F—Inspection:		
213.233 Track inspections	2,000	4,000
213.235 Switch and track crossings inspections .....	2,000	4,000
213.237 Inspection of rail	2,500	5,000

Section	Violation	Willful violation
213.239 Special inspections .....	2,500	5,000
213.241 Inspection records .....	1,000	2,000

<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 \$20,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

<sup>2</sup>In addition to assessment of penalties for each instance of noncompliance with the requirements identified by this footnote, track segments designated as excepted track that are or become ineligible for such designation by virtue of noncompliance with any of the requirements to which this footnote applies are subject to all other requirements of part 213 until such noncompliance is remedied.

[53 FR 52924, Dec. 29, 1988]

**PART 214—RAILROAD WORKPLACE SAFETY**

**Subpart A—General**

Sec.

- 214.1 Purpose and scope.
- 214.3 Application.
- 214.5 Responsibility for compliance.
- 214.7 Definitions.

**Subpart B—Bridge Worker Safety Standards**

- 214.101 Purpose and scope.
- 214.103 Fall protection, generally.
- 214.105 Fall protection systems standards and practices.
- 214.107 Working over or adjacent to water.
- 214.109 Scaffolding.
- 214.111 Personal protective equipment, generally.
- 214.113 Head protection.
- 214.115 Foot protection.
- 214.117 Eye and face protection.

APPENDIX A TO PART 214—SCHEDULE OF CIVIL PENALTIES

AUTHORITY: 45 U.S.C. 431, 438, as amended; 49 CFR 1.49(m).

SOURCE: 57 FR 28127, June 24, 1992, unless otherwise noted.

**Subpart A—General**

**§ 214.1 Purpose and scope.**

(a) The purpose of this part is to prevent accidents and casualties to employees involved in certain railroad inspection, maintenance and construction activities.

(b) This part prescribes minimum Federal safety standards for the railroad workplace safety subjects addressed herein. This part does not restrict a railroad or railroad contractor from adopting and enforcing additional or more stringent requirements not inconsistent with this part.

**§ 214.3 Application.**

This part applies to railroads that operate rolling equipment on track that is part of the general railroad system of transportation.

**§ 214.5 Responsibility for compliance.**

Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad or railroad 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 \$250 and not more than \$10,000 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, or has caused death or injury, a penalty not to exceed \$20,000 per violation may be assessed. See appendix A to this part for a statement of agency civil penalty policy.

**§ 214.7 Definitions.**

(a) *Anchorage* means a secure point of attachment for lifelines, lanyards or deceleration devices that is independent of the means of supporting or suspending the employee.

(b) *Body belt* means a strap that can be secured around the waist or body and attached to a lanyard, lifeline, or deceleration device.

(c) *Body harness* means a device with straps that is secured about the employee in a manner so as to distribute the fall arrest forces over (at least) the thighs, shoulders, pelvis, waist, and chest and that can be attached to a lanyard, lifeline, or deceleration device.

(d) *Competent person* means one who is capable of identifying existing and predictable hazards in the workplace and who is authorized to take prompt corrective measures to eliminate them.

(e) *Deceleration device* means any mechanism, including, but not limited to, rope grabs, ripstitch lanyards, specially woven lanyards, tearing or deforming lanyards, and automatic self-retracting lifelines/lanyards that serve to dissipate a substantial amount of energy during a fall arrest, or otherwise limit the energy on an employee during fall arrest.

(f) *Equivalent* means alternative designs, materials, or methods that the railroad or railroad contractor can demonstrate will provide equal or greater safety for employees than the means specified in this part.

(g) *Free fall* means the act of falling before the personal fall arrest system begins to apply force to arrest the fall.

(h) *Free fall distance* means the vertical displacement of the fall arrest attachment point on the employee's body belt or body harness between onset of the fall and the point at which the system begins to apply force to arrest the fall. This distance excludes deceleration distance and lifeline and lanyard elongation, but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before they operate and fall arrest forces occur.

(i) *Lanyard* means a flexible line of rope, wire rope, or strap that is used to secure a body belt or body harness to a deceleration device, lifeline, or anchorage.

(j) *Lifeline* means a component of a fall arrest system consisting of a flexible line that connects to an anchorage at one end to hang vertically (vertical lifeline) or to an anchorage at both ends to stretch horizontally (horizontal lifeline), and that serves as a means for connecting other components of a personal fall arrest system to the anchorage.

(k) *Personal fall arrest system* means a system used to arrest the fall of an employee from a working level. It consists of an anchorage, connectors, body harness or body belt, lanyard, deceleration device, lifeline, or combination of these.

(l) *Railroad* means all forms of non-highway ground transportation that run on rails or electro-magnetic guideways, including (1) commuter or other short-haul rail passenger service in a

metropolitan or suburban area, and (2) high-speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads. Such term does not include rapid transit operations within an urban area that are not connected to the general railroad system of transportation.

(m) *Railroad employee or employee* as used in subpart B means any employee of, or employee of a contractor of, a railroad owning or responsible for the construction, inspection, testing, or maintenance of a bridge whose assigned duties, if performed on the bridge, include inspection, testing, maintenance, repair, construction, or reconstruction of the track, bridge structural members, operating mechanisms and water traffic control systems, or signal, communication, or train control systems integral to that bridge.

(n) *Railroad bridge* means a structure supporting one or more railroad tracks above land or water with a span length of 12 feet or more measured along the track centerline. This term applies to the entire structure between the faces of the backwalls of abutments or equivalent components, regardless of the number of spans, and includes all such structures, whether of timber, stone, concrete, metal, or any combination thereof.

(o) *Self-retracting lifeline/lanyard* means a deceleration device that contains a drum-wound line that may be slowly extracted from, or retracted onto, the drum under slight tension during normal employee movement, and which, after onset of a fall, automatically locks the drum and arrests the fall.

(p) *Snap-hook* means a connector comprised of a hook-shaped member with a normally closed keeper, that may be opened to permit the hook to receive an object and, when released, automatically closes to retain the object.

## Subpart B—Bridge Worker Safety Standards

### § 214.101 Purpose and scope.

(a) The purpose of this subpart is to prevent accidents and casualties arising from the performance of work on railroad bridges.

(b) This subpart prescribes minimum railroad safety rules for railroad employees performing work on bridges. Each railroad and railroad contractor may prescribe additional or more stringent operating rules, safety rules, and other special instructions not inconsistent with this subpart.

(c) These provisions apply to all railroad employees, railroads, and railroad contractors performing work on railroad bridges.

(d) Any working conditions involving the protection of railroad employees working on railroad bridges not within the subject matter addressed by this chapter, including respiratory protection, hazard communication, hearing protection, welding and lead exposure standards, shall be governed by the regulations of the U.S. Department of Labor, Occupational Safety and Health Administration.

### § 214.103 Fall protection, generally.

(a) Except as provided in paragraphs (b) through (d) of this section, when employees work twelve feet or more above the ground or water surface, they shall be provided and shall use a personal fall arrest system or safety net system. All fall protection systems required by this section shall conform to the standards set forth in § 214.105 of this subpart.

(b)(1) This section shall not apply if the installation of the fall arrest system poses a greater exposure to risk than the work to be performed. In any action brought by FRA to enforce the fall protection requirements, the railroad or railroad contractor shall have the burden of proving that the installation of such device poses greater exposure to risk than performance of the work itself.

(2) This section shall not apply to employees engaged in inspection of railroad bridges conducted in full compliance with the following conditions:

(i) The railroad or railroad contractor has a written program in place that requires training in, adherence to, and use of safe procedures associated with climbing techniques and procedures to be used;

(ii) The employee to whom this exception applies has been trained and qualified according to that program to perform bridge inspections, has been previously and voluntarily designated to perform inspections under the provisions of that program, and has accepted the designation;

(iii) The employee to whom this exception applies is familiar with the appropriate climbing techniques associated with all bridge structures the employee is responsible for inspecting;

(iv) The employee to whom this exception applies is engaged solely in moving on or about the bridge or observing, measuring, and recording the dimensions and condition of the bridge and its components; and

(v) The employee to whom this exception applies is provided all equipment necessary to meet the needs of safety, including any specialized or alternative systems required.

(c) This section shall not apply where employees are working on a railroad bridge equipped with walkways and railings of sufficient height, width, and strength to prevent a fall, provided that the employee does not work beyond the railings, over the side of the bridge, on ladders or other elevation devices, or where gaps or holes exist through which a body could fall. Where used in place of fall protection as provided for in §214.105, this paragraph (c) is satisfied by:

(1) Walkways and railings meeting the standards set forth in the American Railway Engineering Association's Manual for Railway Engineering; and

(2) Roadways attached to railroad bridges, provided that employees on the roadway deck work or move at a distance of six feet or more from the edge of the roadway deck, or from an opening through which a person could fall.

(d) This section shall not apply where employees are performing repairs or inspections of a minor nature that are completed by working exclusively between the outside rails, including, but not limited to, routine welding, spiking, anchoring, spot surfacing, and joint bolt replacement.

[57 FR 28127, June 24, 1992, as amended at 59 FR 30883, June 16, 1994]

**§214.105 Fall protection systems standards and practices.**

(a) *General requirements.* All fall protection systems required by this subpart shall conform to the following:

(1) Fall protection systems shall be used only for employee fall protection.

(2) Any fall protection system subjected to impact loading shall be immediately and permanently removed from service unless fully inspected and determined by a competent person to be undamaged and suitable for reuse.

(3) All fall protection system components shall be protected from abrasions, corrosion, or any other form of deterioration.

(4) All fall protection system components shall be inspected prior to each use for wear, damage, corrosion, mildew, and other deterioration. Defective components shall be permanently removed from service.

(5) Prior to use and after any component or system is changed, employees shall be trained in the application limits of the equipment, proper hook-up, anchoring and tie-off techniques, methods of use, and proper methods of equipment inspection and storage.

(6) The railroad or railroad contractor shall provide for prompt rescue of employees in the event of a fall.

(7) Connectors shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to interfacing parts of the system.

(8) Connectors shall be drop forged, pressed or formed steel, or made of equivalent-strength materials.

(9) Anchorages, including single- and double-head anchors, shall be capable of supporting at least 5,000 pounds per employee attached, or shall be designed, installed, and used under the supervision of a qualified person as

part of a complete personal fall protection system that maintains a safety factor of at least two.

(b) *Personal fall arrest systems.* All components of a personal fall arrest system shall conform to the following standards:

(1) Lanyards and vertical lifelines that tie off one employee shall have a minimum breaking strength of 5,000 pounds.

(2) Self-retracting lifelines and lanyards that automatically limit free fall distance to two feet or less shall have components capable of sustaining a minimum static tensile load of 3,000 pounds applied to the device with the lifeline or lanyard in the fully extended position.

(3) Self-retracting lifelines and lanyards that do not limit free fall distance to two feet or less, ripstitch, and tearing and deformed lanyards shall be capable of withstanding 5,000 pounds applied to the device with the lifeline or lanyard in the fully extended position.

(4) Horizontal lifelines shall be designed, installed, and used under the supervision of a competent person, as part of a complete personal fall arrest system that maintains a safety factor of at least two.

(5) Lifelines shall not be made of natural fiber rope.

(6) The personal fall arrest system shall limit the maximum arresting force on an employee to 900 pounds when used with a body belt.

(7) The personal fall arrest system shall limit the maximum arresting force on an employee to 1,800 pounds when used with a body harness.

(8) The personal fall arrest system shall bring an employee to a complete stop and limit maximum deceleration distance an employee travels to 3.5 feet.

(9) The personal fall arrest system shall have sufficient strength to withstand twice the potential impact energy of an employee free falling a distance of six feet, or the free fall distance permitted by the system, whichever is less.

(10) The personal fall arrest system shall be arranged so that an employee cannot free fall more than six feet and

cannot contact the ground or any lower horizontal surface of the bridge.

(11) Personal fall arrest systems shall be worn with the attachment point of the body belt located in the center of the wearer's back, and the attachment point of the body harness located in the center of the wearer's back near shoulder level, or above the wearer's head.

(12) When vertical lifelines are used, each employee shall be provided with a separate lifeline.

(13) Devices used to connect to a horizontal lifeline that may become a vertical lifeline shall be capable of locking in either direction.

(14) Dee-rings and snap-hooks shall be capable of sustaining a minimum tensile load of 3,600 pounds without cracking, breaking, or taking permanent deformation.

(15) Dee-rings and snap-hooks shall be capable of sustaining a minimum tensile load of 5,000 pounds.

(16) Snap-hooks shall not be connected to each other.

(17) Snap-hooks shall be dimensionally compatible with the member to which they are connected to prevent unintentional disengagement, or shall be a locking snap-hook designed to prevent unintentional disengagement.

(18) Unless of a locking type, snap-hooks shall not be engaged:

(i) Directly next to webbing, rope, or wire rope;

(ii) To each other;

(iii) To a dee-ring to which another snap-hook or other connector is attached;

(iv) To a horizontal lifeline; or

(v) To any object that is incompatibly shaped or dimensioned in relation to the snap-hook so that unintentional disengagement could occur.

(c) *Safety net systems.* Use of safety net systems shall conform to the following standards and practices:

(1) Safety nets shall be installed as close as practicable under the walking/working surface on which employees are working, but shall not be installed more than 30 feet below such surface.

(2) If the distance from the working surface to the net exceeds 30 feet, employees shall be protected by personal fall arrest systems.

(3) The safety net shall be installed such that any fall from the working surface to the net is unobstructed.

(4) Except as provided in this subsection, safety nets and net installations shall be drop-tested at the jobsite after initial installation and before being used as a fall protection system, whenever relocated, after major repair, and at six-month intervals if left in one place. The drop-test shall consist of a 400-pound bag of sand 30 inches, plus or minus two inches, in diameter dropped into the net from the highest (but not less than 3½ feet) working surface on which employees are to be protected.

(i) When the railroad or railroad contractor demonstrates that a drop-test is not feasible and, as a result, the test is not performed, the railroad or railroad contractor, or designated competent person, shall certify that the net and its installation are in compliance with the provisions of this section by preparing a certification record prior to use of the net.

(ii) The certification shall include an identification of the net, the date it was determined that the net was in compliance with this section, and the signature of the person making this determination. Such person's signature shall certify that the net and its installation are in compliance with this section. The most recent certification for each net installation shall be available at the jobsite where the subject net is located.

(5) Safety nets and their installations shall be capable of absorbing an impact force equal to that produced by the drop test specified in this section.

(6) The safety net shall be installed such that there is no contact with surfaces or structures below the net when subjected to an impact force equal to the drop test specified in this section.

(7) Safety nets shall extend outward from the outermost projection of the work surface as follows:

(i) When the vertical distance from the working level to the horizontal plane of the net is 5 feet or less, the minimum required horizontal distance of the outer edge of the net beyond the edge of the working surface is 8 feet.

(ii) When the vertical distance from the working level to the horizontal plane of the net is more than 5 feet, but

less than 10 feet, the minimum required horizontal distance of the outer edge of the net beyond the edge of the working surface is 10 feet.

(iii) When the vertical distance from the working level to the horizontal plane of the net is more than 10 feet, the minimum required horizontal distance of the outer edge of the net beyond the edge of the working surface is 13 feet.

(8) Defective nets shall not be used. Safety nets shall be inspected at least once a week for mildew, wear, damage, and other deterioration. Defective components shall be removed permanently from service.

(9) Safety nets shall be inspected after any occurrence that could affect the integrity of the safety net system.

(10) Tools, scraps, or other materials that have fallen into the safety net shall be removed as soon as possible, and at least before the next work shift.

(11) Each safety net shall have a border rope for webbing with a minimum breaking strength of 5,000 pounds.

(12) The maximum size of each safety net mesh opening shall not exceed 36 square inches and shall not be longer than 6 inches on any side measured center-to-center of mesh ropes or webbing. All mesh crossing shall be secured to prevent enlargement of the mesh opening.

(13) Connections between safety net panels shall be as strong as integral net components and shall be spaced not more than 6 inches apart.

**§ 214.107 Working over or adjacent to water.**

(a) Employees working over or adjacent to water with a depth of four feet or more, or where the danger of drowning exists, shall be provided and shall use life vests or buoyant work vests in compliance with U.S. Coast Guard requirements in 46 CFR 160.047, 160.052, and 160.053. Life preservers in compliance with U.S. Coast Guard requirements in 46 CFR 160.055 shall also be within ready access. This section shall not apply to employees using personal fall arrest systems or safety nets that comply with this subpart.

(b) Life vests or buoyant work vests shall not be required when employees are conducting inspections that involve

climbing structures above or below the bridge deck.

(c) Prior to each use, all flotation devices shall be inspected for defects that reduce their strength or buoyancy by designated individuals trained by the railroad or railroad contractor. Defective units shall not be used.

(d) Where life vests are required by paragraph (a) of this section, ring buoys with at least 90 feet of line shall be provided and readily available for emergency rescue operations. Distance between ring buoys shall not exceed 200 feet.

(e) Where life vests are required, at least one lifesaving skiff, inflatable boat, or equivalent device shall be immediately available. If it is determined by a competent person that environmental conditions, including weather, water speed, and terrain, merit additional protection, the skiff or boat shall be manned.

#### **§ 214.109 Scaffolding.**

(a) Scaffolding used in connection with railroad bridge maintenance, inspection, testing, and construction shall be constructed and maintained in a safe condition and meet the following minimum requirements:

(1) Each scaffold and scaffold component, except suspension ropes and guardrail systems, but including footings and anchorage, shall be capable of supporting, without failure, its own weight and at least four times the maximum intended load applied or transmitted to that scaffold or scaffold component.

(2) Guardrail systems shall be capable of withstanding, without failure, a force of at least 200 pounds applied within two inches of the top edge, in any outward or downward direction, at any point along the top edge.

(3) Top edge height of top rails, or equivalent guardrail system member, shall be 42 inches, plus or minus three inches. Supports shall be at intervals not to exceed eight feet. Toeboards shall be a minimum of four inches in height.

(4) Midrails, screens, mesh, intermediate vertical members, solid panels, and equivalent structural members shall be capable of withstanding, without failure, a force of at least 150

pounds applied in any downward or outward direction at any point along the midrail or other member.

(5) Midrails shall be installed at a height midway between the top edge of the guardrail system and the walking/working level.

(b) Scaffolds shall not be altered or moved while they are occupied. This paragraph does not apply to vertical movements of mobile scaffolds that are designed to move vertically while occupied.

(c) An access ladder or equivalent safe access shall be provided.

(d) All exposed surfaces shall be prepared and cleared to prevent injury due to laceration, puncture, tripping, or falling hazard.

(e) All scaffold design, construction, and repair shall be completed by competent individuals trained and knowledgeable about design criteria, intended use, structural limitations, and procedures for proper repair.

(f) Manually propelled mobile ladder stands and scaffolds shall conform to the following:

(1) All manually propelled mobile ladder stands and scaffolds shall be capable of carrying the design load.

(2) All ladder stands, scaffolds, and scaffold components shall be capable of supporting, without failure, displacement, or settlement, its own weight and at least four times the maximum intended load applied or transmitted to that ladder stand, scaffold, or scaffold component.

(3) All exposed surfaces shall be free from sharp edges or burrs.

(4) The maximum work level height shall not exceed four times the minimum or least base dimensions of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, suitable outrigger frames shall be employed to achieve this least base dimension, or equivalent provisions shall be made to guy or brace the unit against tipping.

(5) The minimum platform width for any work level shall not be less than 20 inches for mobile scaffolds (towers). Ladder stands shall have a minimum step width of 16 inches. The steps of ladder stands shall be fabricated from slip resistant treads.

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(6) Guardrails and midrails shall conform to the requirements listed in paragraph (a) of this section.

(7) A climbing ladder or stairway shall be provided for proper access and egress, and shall be affixed or built into the scaffold and so located that in its use it will not have a tendency to tip the scaffold.

(8) Wheels or casters shall be capable of supporting, without failure, at least four times the maximum intended load applied or transmitted to that component. All scaffold casters shall be provided with a positive wheel and/or swivel lock to prevent movement. Ladder stands shall have at least two of the four casters and shall be of the swivel type.

### **§ 214.111 Personal protective equipment, generally.**

With the exception of foot protection, the railroad or railroad contractor shall provide and the employee shall use all appropriate personal protective equipment described in this subpart in all operations where there is exposure to hazardous conditions, or where this subpart indicates the need for using such equipment to reduce hazards to railroad employees. The railroad or railroad contractor shall require the use of foot protection when the potential for foot injury exists.

[59 FR 30883, June 16, 1994]

### **§ 214.113 Head protection.**

(a) Railroad employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be provided and shall wear protective helmets.

(b) Helmets for the protection of railroad employees against impact and penetration of falling and flying objects, or from high voltage electrical shock and burns shall conform to the national consensus standards for industrial head protection (American National Standards Institute, American National Standard Z89.1-1986, Protective Headwear for Industrial Workers). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be

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obtained from the American National Standards Institute, 11 West 42nd Street, New York, NY 10036. Copies may be inspected at the Federal Railroad Administration, Docket Clerk, 400 7th Street, SW., Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

[57 FR 28127, June 24, 1992, as amended at 59 FR 30883, June 16, 1994]

### **§ 214.115 Foot protection.**

(a) The railroad or railroad contractor shall require railroad employees to wear foot protection equipment when potential foot injury may result from impact, falling or flying objects, electrical shock or burns, or other hazardous condition.

(b) Safety-toe footwear for railroad employees shall conform to the national consensus standards for safety-toe footwear (American National Standards Institute, American National Standard Z41-1991, Standard for Personal Protection—Protective Footwear). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American National Standards Institute, 11 West 42nd Street, New York, NY 10036. Copies may be inspected at the Federal Railroad Administration, Docket Clerk, 400 7th Street, SW., Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

[57 FR 28127, June 24, 1992, as amended at 59 FR 30883, June 16, 1994]

### **§ 214.117 Eye and face protection.**

(a) Railroad employees shall be provided and shall wear eye and face protection equipment when potential eye or face injury may result from physical, chemical, or radiant agents.

(b) Eye and face protection equipment required by this section shall conform to the national consensus standards for occupational and educational eye and face protection (American National Standards Institute, American National Standard Z87.1-1989, Practice for Occupational

and Educational Eye and Face Protection). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American National Standards Institute, 11 West 42nd Street, New York, NY 10036. Copies may be inspected at the Federal Railroad Administration, Docket Clerk, 400 7th Street, SW., Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(c) Face and eye protection equipment required by this section shall be kept clean and in good repair. Use of equipment with structural or optical defects is prohibited.

(d) Railroad employees whose vision requires the use of corrective lenses, when required by this regulation to wear eye protection, shall be protected by goggles or spectacles of one of the following types:

(i) Spectacles whose protective lenses provide optical correction the frame of which includes shielding against objects reaching the wearer's eyes around the lenses;

(ii) Goggles that can be worn over corrective lenses without disturbing the adjustment of the lenses; or

(iii) Goggles that incorporate corrective lenses mounted behind the protective lenses.

[57 FR 28127, June 24, 1992, as amended at 59 FR 30884, June 16, 1994]

APPENDIX A TO PART 214—SCHEDULE OF CIVIL PENALTIES <sup>1</sup>

Section	Violation	Willful
<b>Subpart B—Bridge Worker Safety Standards</b>		
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
(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

APPENDIX A TO PART 214—SCHEDULE OF CIVIL PENALTIES<sup>1</sup>—Continued

Section	Violation	Willful
(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

<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 \$20,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

**PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS**

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- 215.3 Application.
- 215.5 Definitions.
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- 215.201 Scope.
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- 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: 45 U.S.C. 431 and 438, as amended; Pub. L. 100-342; and 49 CFR 1.49(m).

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.

(c) This part does not apply to a railroad freight car that is:

- (1) Operated solely on track inside an industrial or other non-railroad installation; or
- (2) Used exclusively in dedicated service as defined in §215.5(d) of this part; or
- (3) Maintenance-of-way equipment (including self-propelled maintenance-