

the on-axis beam candela, the beam candela at the  $\pm 15$  degree points in the horizontal plane, the beam candela at the  $\pm 15$  degree point in the vertical plane, and the chromaticity coordinates, are maintained by the railroad and are available for inspection by the FRA at a designated location which is identified in the submission;

(iv) Marking devices of this type installed in the operating environment and the external light source used to illuminate them shall consist of the same type and model of components as were used in the samples tested for purposes of this approval submission.

(4) Unless otherwise qualified, acknowledgement of the receipt of the submission required by this subsection shall constitute approval of the device. The FRA reserves the right to review the test records maintained by the railroad, or to test independently any device submitted for approval under these procedures, and to disapprove the use of such device at any time if its performance fails to comply with 49 CFR 221.15.

(c) Whenever a railroad elects to use a marking device which has been previously approved by the FRA, and is included in the current list in appendix B to this part, the submission shall contain the following information:

(1) The marking device model designation as it appears in appendix B.

(2) A certification, signed by the chief operating officer of the railroad that—

(i) Marking devices of this type installed in the operating environment shall consist of the same type and model of components as were used in the samples tested for the original approval.

(d) Each submission for approval of a marking device shall be filed with the Office of Standards and Procedures, Office of Safety, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

[42 FR 62004, Dec. 8, 1977, as amended at 74 FR 25173, May 27, 2009]

#### APPENDIX B TO PART 221—APPROVED REAR END MARKING DEVICES

##### PART I—APPROVED DEVICES TESTED FOR OR BY MANUFACTURERS

1. Manufacturer: Star Headlight & Lantern Co., 168 West Main Street, Honeoye Falls, NY 14472.

FRA identification Nos. FRA-PLE-STAR-845-F (flasher) and FRA-PLE-STAR-845-C (steady burn).

2. Manufacturer: Julian A. McDermott Corp., 1639 Stephen Street, Ridgewood, Long Island, NY 11227.

FRA identification Nos. FRA-MEC-MCD-100-C (steady burn), FRA-MEC-MCD-100-F (flasher), FRA-MEC-MCD-300-C (steady burn), and FRA-MEC-MCD-300-F (flasher).

3. Manufacturer: American Electronics, Inc.,<sup>1</sup> 40 Essex Street, Hackensack, NJ 07601.

FRA identification Nos. FRA-DRGW-YANK-300 (portable strobe), FRA-WP-YANK-301R (flashing), FRA-WP-YANK-305R (flashing), and FRA-WP-YANK-306R (steady burn).

##### PART II—APPROVED DEVICES TESTED FOR OR BY RAIL CARRIERS

1. Carrier: Atchison, Topeka & Santa Fe Railway Co., Technical Research & Development Department, 1001 Northeast Atchison Street, Topeka, Kans. 66616.

Manufacturer: Trans-Lite, Inc., P.O. Box 70, Milford, Conn. 06460.

FRA identification Nos. FRA-ATSF-TL-875-150, FRA-ATSF-TL-875-60, FRA-ATSF-TL-875-4412, and FRA-ATSF-TL-200.

2. Carrier: Amtrak—National Railroad Passenger Corporation, 400 North Capitol Street NW., Washington, DC 20001.

Manufacturer: (a) Trans-Lite, Inc., P.O. Box 70, Milford, Conn. 06460.

FRA identification Nos. FRA-ATK-TL-3895-1, FRA-ATK-TL-4491-2, FRA-ATK-TL-4491-3, and FRA-ATK-TL-FM-4491-1.

Manufacturer: (b) Luminator Division of Gulftron Industries, Inc., 1200 East Dallas North Parkway, Plano, Tex. 75074.

FRA identification No. FRA-ATK-LUM-0101890-001.

Manufacturer: (c) Whelen Engineering Co., Inc., Deep River, Conn. 06417.

FRA identification No. FRA-ATK-WHE-WERT-12.

[43 FR 36447, Aug. 17, 1978]

#### APPENDIX C TO PART 221—SCHEDULE OF CIVIL PENALTIES<sup>1</sup>

Section	Violation	Willful violation
221.13 Marking device display:		
(a) device not present, not displayed, or not properly illuminated	\$5,000	\$7,500
(d) device too close to rail .....	1,000	2,000
221.14 Marking devices: Use of unapproved or noncomplying device .....	2,500	5,000
221.15 Marking device inspection:		
(a) Failure to inspect at crew change .....	2,500	5,000
(b), (c) improper inspection .....	2,500	5,000
221.16 Inspection procedure:		
(a) Failure to obtain protection .....	5,000	7,500
(b) Improper protection	2,500	5,000

<sup>1</sup>NOTE: Yankee Metal Products Corp. previously produced these devices.

## Federal Railroad Administration, DOT

## § 222.1

Section	Violation	Willful violation
221.17 Movement of defective equipment .....	( <sup>1</sup> )	( <sup>1</sup> )

<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 \$100,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A. Where the conditions for movement of defective equipment set forth in § 221.17 of this part are not met, the movement constitutes a violation of § 221.13 of this part.

[53 FR 52930, Dec. 29, 1988, as amended at 69 FR 62818, Oct. 28, 2004; 73 FR 79702, Dec. 30, 2008]

## PART 222—USE OF LOCOMOTIVE HORNS AT PUBLIC HIGHWAY-RAIL GRADE CROSSINGS

### Subpart A—General

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- 222.1 What is the purpose of this regulation?
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### Subpart B—Use of Locomotive Horns

- 222.21 When must a locomotive horn be used?
- 222.23 How does this regulation affect sounding of a horn during an emergency or other situations?
- 222.25 How does this rule affect private highway-rail grade crossings?
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### Subpart C—Exceptions to the Use of the Locomotive Horn

222.31 [Reserved]

#### SILENCED HORNS AT INDIVIDUAL CROSSINGS

- 222.33 Can locomotive horns be silenced at an individual public highway-rail grade crossing which is not within a quiet zone?

#### SILENCED HORNS AT GROUPS OF CROSSINGS—QUIET ZONES

- 222.35 What are minimum requirements for quiet zones?
- 222.37 Who may establish a quiet zone?

222.38 Can a quiet zone be created in the Chicago Region?

222.39 How is a quiet zone established?

222.41 How does this rule affect Pre-Rule Quiet Zones and Pre-Rule Partial Quiet Zones?

222.42 How does this rule affect Intermediate Quiet Zones and Intermediate Partial Quiet Zones?

222.43 What notices and other information are required to create or continue a quiet zone?

222.45 When is a railroad required to cease routine sounding of locomotive horns at crossings?

222.47 What periodic updates are required?

222.49 Who may file Grade Crossing Inventory Forms?

222.51 Under what conditions will quiet zone status be terminated?

222.53 What are the requirements for supplementary and alternative safety measures?

222.55 How are new supplementary or alternative safety measures approved?

222.57 Can parties seek review of the Associate Administrator's actions?

222.59 When may a wayside horn be used?

APPENDIX A TO PART 222—APPROVED SUPPLEMENTARY SAFETY MEASURES

APPENDIX B TO PART 222—ALTERNATIVE SAFETY MEASURES

APPENDIX C TO PART 222—GUIDE TO ESTABLISHING QUIET ZONES

APPENDIX D TO PART 222—DETERMINING RISK LEVELS

APPENDIX E TO PART 222—REQUIREMENTS FOR WAYSIDE HORNS

APPENDIX F TO PART 222—DIAGNOSTIC TEAM CONSIDERATIONS

APPENDIX G TO PART 222—EXCESS RISK ESTIMATES FOR PUBLIC HIGHWAY-RAIL GRADE CROSSINGS

APPENDIX H TO PART 222—SCHEDULE OF CIVIL PENALTIES

AUTHORITY: 28 U.S.C. 2461, note; 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 49 CFR 1.49.

SOURCE: 71 FR 47634, Aug. 17, 2006, unless otherwise noted.

### Subpart A—General

#### § 222.1 What is the purpose of this regulation?

The purpose of this part is to provide for safety at public highway-rail grade crossings by requiring locomotive horn use at public highway-rail grade crossings except in quiet zones established and maintained in accordance with this part.