Appendix B to Part 213—Schedule of Civil Penalties

Subpart A—General:	ul Viola- ion ¹	n	Violation	Section
213.4(c) Excepted track 2 2,500 213.4(e):				
213.4(c) Excepted track 2 2,500 213.4(e): (1) Excepted track 5,000 (2) Excepted track 7,000 (3) Excepted track 7,000 (3) Excepted track 7,000 (3) Excepted track 7,000 (2) Excepted track 7,000 (3) Excepted track 7,000 (4) Excepted track 7,000 (2) Excepted track 7,000 (2) Excepted track 7,000 (2) Excepted track 7,000 (2) 213.4 Designation of qualified persons to supervise certain renewals and inspect track 7,000 (2) Excepted track 7,000 (3) Excepted track 7,000 (4) Excepted track 7,000 (5) Excepted track 7,000 (6) Excepted track 7,000 (7) Excepted track 7,000 (8) Excepted track 7,000 (9) Excepted track 7,000 (10) Excepted track 7,000 (11) Excepted track 7,000 (12) Excepted track 7,000 (13) Excepted track 7,000 (14) Excepted track 7,000 (15) Excepted track 7,000 (15) Excepted track 7,000 (16) Excepted track 7,000 (17) Excepted track 7,000 (18) Excepted track 7,000 (18) Excepted track 7,000 (18) Excepted track 7,000 (19) Excepted track 7,000 (10) Excepted track 7,000 (10) Excepted track 7,000 (10) Excepted 7,000 (10) Excepted track 7,000	\$5,000			213.4(a) Excepted track ²
213.4(e): (1) Excepted track 2, 500 (2) Excepted track 5, 7,000 (3) Excepted track 7,000 (4) Excepted track 5,000 213.4(f) Excepted track 5,000 213.7 Designation of qualified persons to supervise certain renewals and inspect track 7,000 (2) Excepted track 7,000 (3) Excepted track 7,000 (4) Excepted track 7,000 (2) Excepted track 7,000 (2) Excepted track 7,000 (3) Excepted track 7,000 (4) Excepted track 7,000 (2) Excep	5,000			213.4(b) Excepted track ²
213.4(e):	5,000			
(1) Excepted track (2) Excepted track (7,000 (3) Excepted track (7,000 (4) Excepted track (5,000 213.7 Designation of qualified persons to supervise certain renewals and inspect track (2) Excepted track (5,000 213.7 Designation of qualified persons to supervise certain renewals and inspect track (2) Excepted track (5,000	500	2,500	
(2) Excepted track	7,500	000	5.000	
(3) Excepted track (4) Excepted track (5,000 (4) Excepted track 5,000 (213.47) Designation of qualified persons to supervise certain renewals and inspect track 213.7 Designation of qualified persons to supervise certain renewals and inspect track 213.9 Classes of track: Operating speed limits 2,500 (213.11 Restoration or renewal of track under traffic conditions 2,500 (213.13 Measuring track not under load 5,000 (213.13 Measuring track not under load 5,000 (213.37 Vegetation 5,000 (213.37 Vegetation 5,000 (213.37 Vegetation 5,000 (213.37 Vegetation 5,000 (213.57 Curves; elevation and speed limitations 2,500 (213.59 Elevation of curved track; runoff 2,500 (213.59 Elevation of curved track; runoff 2,500 (213.13 Ballast; general 213.103 Ballast; general 213.103 Ballast; general 213.103 Crossties (a) Material used (b) Distribution of ties (c) Sufficient number of nondefective ties 1,000 (d) Joint ties 2,500 (e) Track constructed without crossties 2,500 (e) Track constructed without crossties 2,500 (213.113 Bedietive rails 5,000 (213.115 Rail end mismatch 2,500 (213.115 Rail end mismatch 2,500 (213.115 Continuous welded rail plan (a) through (k) 5,000 (213.115 Continuous welded rail plan (a) through (k) 5,000 (213.112 (c) Rail joints 2,500 (213.121 (c) Rail joints 2,500 (213.123 Tie plates 1,000 (c)	10,000			
213.4(f) Excepted track 213.7 Designation of qualified persons to supervise certain renewals and inspect track 213.9 Classes of track: Operating speed limits 213.11 Restoration or renewal of track under traffic conditions 213.13 Measuring track not under load 213.13 Measuring track not under load 213.37 Vegetation 213.37 Vegetation 213.37 Vegetation 213.35 Gage 213.35 Gage 31.35 Alinement 21.359 Elevation of curved track; runoff 21.359 Curves; elevation and speed limitations 21.359 Elevation of curved track; runoff 21.359 Elevation of curved track; runoff 21.3103 Ballast; general 213.103 Ballast; general 213.103 Ballast; general 213.103 Crossties 213.103 Crossties 213.113 Defective rails 213.113 Defective rails 22.500 213.115 Rail end mismatch 22.500 213.115 Pall end mismatch 22.500 213.116 Continuous welded rail plan (a) through (k) 213.112 Continuous welded rail plan (a) through (k) 213.121 (c) Rail joints 22.500 213.123 Tie plates 22.500 213.133 Turouts and track crossings, generally 213.139 Spring rail frogs 213.139 Spring rail frogs 22.500 213.131 Spring and rails and guard faces; gage 22.500 213.141 Sericurack and rain guard faces; gage 22.500 213.141 Spring quard rails and guard faces; gage 22.500 23.00	10,000			
213.7 Designation of qualified persons to supervise certain renewals and inspect track	7,500	000	5,000	
track	4,000	000	2,000	
213.9 Classes of track: Operating speed limits	2 000	000	1 000	
213.11 Restoration or renewal of track under traffic conditions 2,500 213.13 Measuring track not under load 1,000 Subpart B—Roadbed: 213.37 Vegetation 1,000 Subpart C—Track Geometry: 1,000 213.37 Vegetation 1,000 Subpart C—Track Geometry: 213.53 Gage 5,000 213.55 Alinement 5,000 213.57 Curves; elevation and speed limitations 2,500 213.59 Elevation of curved track; runoff 2,500 Subpart D—Track surface 5,000 Subpart D—Track surface 5,000 Subpart D—Track surface 5,000 Subpart D—Track surface 5,000 Subpart D—Track surface 7,000 Subpart D—Track surface	2,000 2,500			
213.13 Measuring track not under load 1,000	2,500			
Subpart B—Roadbed: 213.33 Drainage 2,500 213.37 Vegetation 1,000 1	2,000			
213.37 Vegetation			,	
Subpart C—Track Geometry: 213.53 Gage	5,000	500	2,500	213.33 Drainage
213.53 Gage	2,000	000	1,000	
13.55 Alinement				
213.57 Curves; elevation and speed limitations 2,500	7,500			
213.59 Elevation of curved track; runoff 2,500	7,500			
Subpart D—Track surface: 213.103 Ballast; general 2,500 213.109 Crossties (a) Material used (b) Distribution of ties 2,500 (c) Sufficient number of nondefective ties 2,500 (d) Joint ties 2,500 (e) Track constructed without crossties 2,500 213.113 Defective rails 5,000 213.115 Rail end mismatch 2,500 213.118 Continuous welded rail plan (a) through (e) 5,000 213.119 Continuous welded rail plan contents (a) through (k) 5,000 213.121 (a) Rail joints 2,500 213.121 (b) Rail joints 2,500 213.121 (c) Rail joints 5,000 213.121 (c) Rail joints 5,000 213.121 (c) Rail joints 5,000 213.121 (g) Rail joints 5,000 213.121 (g) Rail joints 5,000 213.121 (g) Rail joints 5,000 213.121 (h) Rail joints 5,000 213.122 Torch cut rail 5,000 213.123 Tie plates 7,000 213.124 Trail fastenings 7,000 213.125 Switches: (a) through (g) 7,000 213.135 Switches: (a) through (g) 7,000 213.137 Frogs 7,000 213.138 Frogs 7,000 213.139 Spring rail frogs 2,500 213.141 Forg quard rails and guard faces; gage 5,000 213.143 Frog guard rails and guard faces; gage 5,000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 2000 20	5,000 2,500			
Subpart D—Track surface: 213.103 Ballast; general 2,500 213.109 Crossties 1,000 (a) Material used 1,000 (b) Distribution of ties 2,500 (c) Sufficient number of nondefective ties 1,000 (d) Joint ties 2,500 (e) Track constructed without crossties 2,500 213.113 Defective rails 5,000 213.115 Rail end mismatch 2,500 213.116 Continuous welded rail plan (a) through (e) 5,000 213.121 (a) Rail joints 2,500 213.121 (b) Rail joints 2,500 213.121 (c) Rail joints 2,500 213.121 (c) Rail joints 2,500 213.121 (g) Rail joints 2,500 213.121 (h) Rail joints 2,500 213.122 (n) Rail joints 2,500 213.123 (h) Rail joints 2,500 213.124 (h) Rail joints 2,500 213.125 (h) Rail joints	7,500			
213.109 Crossties	,,000		0,000	
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(b) Distribution of ties (c) Sufficient number of nondefective ties (d) Joint ties (e) Track constructed without crossties (e) Track constructed without crossties (f) Joint ties (h) Track constructed without crossties (h) Track constructed withou			·	213.109 Crossties
(c) Sufficient number of nondefective ties (1,000 (d) Joint ties	2,000			
(d) Joint ties 2,500 (e) Track constructed without crossties 2,500 213.113 Defective rails 5,000 213.115 Rail end mismatch 2,500 213.118 Continuous welded rail plan (a) through (e) 5,000 213.119 Continuous welded rail plan contents (a) through (k) 5,000 213.121 (a) Rail joints 2,500 213.121 (b) Rail joints 2,500 213.121 (c) Rail joints 2,500 213.121 (d) Rail joints 2,500 213.121 (e) Rail joints 2,500 213.121 (f) Rail joints 2,500 213.121 (g) Rail joints 2,500 213.121 (h) Rail joints 2,500 213.122 Torch cut rail 2,500 213.123 Tie plates 1,000 213.127 Rail fastenings 2,500 213.128 Turnouts and track crossings, generally 1,000 213.135 Switches: (a) through (g) 2,500 (a) through (g) 2,500 213.137 Frogs 2,500 213.143 Frog guard rails and guard faces; gage 2,500 Subpart E—Track appliances and track-related devices:	5,000			
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213.118 Continuous welded rail plan (a) through (e) 5,000 213.119 Continuous welded rail plan contents (a) through (k) 5,000 213.121 (a) Rail joints 2,500 213.121 (b) Rail joints 2,500 213.121 (c) Rail joints 2,500 213.121 (e) Rail joints 2,500 213.121 (g) Rail joints 2,500 213.121 (g) Rail joints 2,500 213.121 (h) Rail joints 2,500 213.122 Torch cut rail 2,500 213.123 Tie plates 1,000 213.127 Rail fastenings 2,500 213.133 Turnouts and track crossings, generally 1,000 213.135 Switches: (a) through (g) (b) cipped or worn points (c) c) constant (d) through (g) (e) thipped or worn points (f) c) constant (g) 2,500 (h) chipped or worn points (a) through (g) (b) constant (c) constant (d) constant 2,500 213.137 Frogs 2,500 213.141 Self-guarded frogs 2,500 213.143 Frog guard rails and guard faces; gage 2,500 Subpart E—Track appliances and track-related devices:	5,000			
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213.122 Torch out rail 2,500 213.123 Tie plates 1,000 213.127 Rail fastenings 2,500 213.133 Turnouts and track crossings, generally 1,000 213.135 Switches:	7,500			
213.127 Rail fastenings 2,500 213.133 Turnouts and track crossings, generally 1,000 213.135 Switches: (a) through (g) 2,500 (h) chipped or worn points 5,000 213.137 Frogs 2,500 213.139 Spring rail frogs 2,500 213.141 Self-guarded frogs 2,500 213.143 Frog guard rails and guard faces; gage 2,500 Subpart E—Track appliances and track-related devices: 2,500	5,000			
213.133 Turnouts and track crossings, generally 1,000 213.135 Switches: 2,500 (a) through (g) 2,500 (h) chipped or worn points 5,000 213.137 Frogs 2,500 213.139 Spring rail frogs 2,500 213.141 Self-guarded frogs 2,500 213.143 Frog guard rails and guard faces; gage 2,500 Subpart E—Track appliances and track-related devices: 2,500	2,000	000	1,000	213.123 Tie plates
213.135 Switches: (a) through (g) 2,500 (h) chipped or worn points 5,000 213.137 Frogs 2,500 213.139 Spring rail frogs 2,500 213.141 Self-guarded frogs 2,500 213.143 Frog guard rails and guard faces; gage 2,500 Subpart E—Track appliances and track-related devices: 2,500	5,000			
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(h) chipped or worn points 5,000 213.137 Frogs 2,500 213.139 Spring rail frogs 2,500 213.141 Self-guarded frogs 2,500 213.143 Frog guard rails and guard faces; gage 2,500 Subpart E—Track appliances and track-related devices:	E 000	500	0.500	
213.137 Frogs 2,500 213.139 Spring rail frogs 2,500 213.141 Self-guarded frogs 2,500 213.143 Frog guard rails and guard faces; gage 2,500 Subpart E—Track appliances and track-related devices: 2,500	5,000 7,500			
213.139 Spring rail frogs 2,500 213.141 Self-guarded frogs 2,500 213.143 Frog guard rails and guard faces; gage 2,500 Subpart E—Track appliances and track-related devices: 2,500	5.000			
213.141 Self-guarded frogs	5.000			
213.143 Frog guard rails and guard faces; gage	5,000			
Subpart E—Track appliances and track-related devices:	5,000			
213.205 Derails				
	5,000	500	2,500	
Subpart F—Inspection:	4.000	000	0.000	
213.233 Track inspections 2,000 213.235 Switches, crossings, transition devices 2,000	4,000 4,000			
213.235 Switches, crossings, transition devices 2,000 213.237 Inspection of rail 2,500	5,000			
213.237 hispection of fair 2,500 213.239 Special inspections 2,500	5,000			
213.241 Inspection records 1,000	1,000			
Subpart G—High Speed:				
213.305 Designation of qualified individuals; general qualifications	2,000			
213.307 Class of track; operating speed limits	5,000			
213.309 Restoration or renewal of track under traffic conditions	5,000			
213.311 Measuring track not under load	2,000			
213.319 Drainage	5,000 2,000			

Pt. 214

Section	Violation	Willful Viola- tion 1
213.323 Track gage	5,000	7,500
213.327 Alinement	5,000	7,500
213.329 Curves, elevation and speed limits	2,500	5.000
213.331 Track surface	5,000	7,500
213.333 Automated vehicle inspection systems	5,000	7,500
213.335 Crossties	.,	,
(a) Material used	1,000	2,000
(b) Distribution of ties	2,500	5,000
(c) Sufficient number of nondefective ties, non-concrete	1,000	2,000
(d) Sufficient number of nondefective concrete ties	1,000	2,000
(e) Joint ties	2,500	5,000
(f) Track constructed without crossties	2,500	5,000
(g) Non-defective ties surrounding defective ties	2,500	5,000
(h) Tie plates	2,500	5,000
(i) Tie plates	1.000	2.000
213.337 Defective rails	5,000	7,500
213.339 Inspection of rail in service	2,500	5.000
213.341 Inspection of new rail	2,500	5.000
213.343 Continuous welded rail (a) through (h)	5.000	7,500
213.345 Vehicle qualification testing (a) through (b)	5,000	7,500
(c) through (e)	2,500	5.000
213.347 Automotive or railroad crossings at grade	5,000	7,500
213.349 Rail end mismatch	2,500	5,000
213.351 (a) Rail joints	2,500	5,000
213.351 (b) Rail joints	2,500	5,000
213.351 (c) Rail joints	5,000	7,500
213.351 (d) Rail joints	2,500	5,000
213.351 (e) Rail joints	2,500	5,000
213.351 (f) Rail joints	5,000	7,500
213.351 (g) Rail joints	5,000	7,500
213. 352 Torch cut rails	2,500	5,000
213.353 Turnouts, crossovers, transition devices	1,000	2,000
213.355 Frog guard rails and guard faces; gage	2.500	5.000
213.357 Derails	2,500	5.000
213.359 Track stiffness	5,000	7,500
213.361 Right of way	5,000	7,500
213.365 Visual inspections	2,500	5,000
213.367 Special inspections	2,500	5,000
213.369 Inspections records	2,000	4,000

 $[63\ FR\ 34029,\ June\ 22,\ 1998;\ 63\ FR\ 45959,\ Aug.\ 28,\ 1998,\ as\ amended\ at\ 70\ FR\ 66299,\ Nov.\ 2,\ 2005;$ 73 FR 79701, Dec. 30, 2008; 74 FR 43006, Aug. 25, 2009; 77 FR 24419, Apr. 24, 2012]

PART 214—RAILROAD WORKPLACE **SAFETY**

Subpart A—General

Sec.

- 214.1 Purpose and scope.
- 214.3 Application.
- 214.4 Preemptive effect.
- 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.

Subpart C—Roadway Worker Protection

- 214.301 Purpose and scope.
- 214.302 Information collection requirements.
- 214.303 Railroad on-track safety programs, generally.
- 214.305 Compliance dates.
- 214.307 Review and approval of individual on-track safety programs by FRA.
- 214.309 On-track safety program documents.
- 214.311 Responsibility of employers.

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 \$105,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

² 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.