

(4) The Highway-Rail Grade Crossing Accident/Incident Report (Form FRA F 6180.57); and

(5) The Employee Human Factor Attachment (Form FRA F 6180.81) (the Employee Human Factor Attachment must be in .pdf or .jpg format only).

(b) Each railroad utilizing the optical media option shall submit to FRA a computer CD-ROM containing the following:

(1) An electronic image of the completed and signed hard copy of the Railroad Injury and Illness Summary (Form FRA F 6180.55) in .pdf or .jpg format only; and

(2) The completed accident/incident report submissions.

(c) (1) Each railroad utilizing the electronic submission via the Internet option shall submit to FRA at *aireports@frasafety.net*:

(i) An electronic image of the completed and signed hard copy of the Railroad Injury and Illness Summary (Form FRA F 6180.55) in .pdf or .jpg format only; and

(ii) The completed accident/incident report submissions.

(2) FRA will provide to the railroad an electronic notice acknowledging receipt of submissions filed electronically via the Internet.

(d) Each railroad employing either the optical media or electronic submission via the Internet option, shall submit its monthly reporting data for the reports identified in paragraph (a) of

this section in a year-to-date file format as described in the FRA Guide.

(e) A railroad choosing to use optical media or electronic submission via the internet must use one of the approved formats specified in the Companion Guide. FRA will reject submissions that do not adhere to the required formats, which may result in the issuance of one or more civil penalty assessments against a railroad for failing to provide timely submissions of required reports as required by § 225.11.

[75 FR 68909, Nov. 9, 2010]

§ 225.39 FRA policy on covered data.

FRA will not include covered data (as defined in § 225.5) in its periodic summaries of data on the number of occupational injuries and illnesses.

[68 FR 10139, Mar. 3, 2003]

§ 225.41 Suicide data.

FRA does not include suicide data (as defined in § 225.5) in its periodic summaries of data on the number of injuries and illnesses associated with railroad operations. FRA will maintain suicide data in a database that is not publicly accessible. Suicide data will not be available on FRA's Web site for individual reports or downloads. Suicide data will be available to the public in aggregate format on FRA's Web site and via requests under the Freedom of Information Act.

[75 FR 68909, Nov. 9, 2010]

APPENDIX A TO PART 225—SCHEDULE OF CIVIL PENALTIES¹

Section ²	Violation	Willful Violation
225.6: Failure to comply with consolidated reporting requirements	\$2,500	\$5,000
225.9:		
(1) Failure to report	2,500	5,000
(2) Failure to immediately report	1,000	2,000
(3) Failure to accurately report	1,000	2,000
225.11:		
(1) Failure to report accident/incident	2,500	5,000
(a) Highway-rail grade crossing.		
(b) Rail Equipment.		
(c) Death, injury, or occupational illness.		
(2) Report is incomplete	1,000	2,000
225.12: Failure to file Railroad Employee Human Factor form	2,500	5,000
(a) Failure to file Railroad Employee Human Factor Attachment correctly:		
(1) Employee identified	2,500	5,000
(2) No employee identified	1,000	2,000
(b)		
(1) Failure to notify employee properly	2,500	5,000
(2) Notification of employee not involved in accident	2,500	5,000
(c) Failure of employing railroad to provide requested information properly	1,000	2,000

Section ²	Violation	Willful Violation
(d)		
(1) Failure to revise report	2,500	5,000
(2) Failure to notify after late identification	2,500	5,000
(f) Submission of notice if employee dies as result of the reported accident	2,500	5,000
(g) Willfully false accident statement by employee		5,000
225.13:		
(1) Failure to Late reports	2,500	5,000
(2) Failure to Review Employee Statement	2,500	5,000
(3) Failure to Amend Report	1,000	2,000
225.18: Alcohol or drug involvement	2,500	5,000
225.23: Joint operations	(¹)	(¹)
225.25:		
(1) Recordkeeping	2,500	5,000
(2) Failure to post list	1,000	2,000
(3) Posting Prohibited Information	1,000	2,000
(4) Missing fields	1,000	2,000
225.27:		
(1) Failure to retain records	1,000	2,000
(2) Failure to retain electronic receipt	1,000	2,000
(3) Failure to comply with electronic recordkeeping requirements	1,000	2,000
(4) Failure to provide access to records	1,000	2,000
225.33:		
(1) Failure to adopt Internal Control Plan or more than two missing/outdated/incorrect components	2,500	5,000
(2) Internal Control Plan with less than three missing/outdated/incorrect components	1,000	2,000
(3) Failure to comply with Internal Control Plan	2,500	5,000
(4) Failure to comply with the intimidation/harassment policy in Internal Control Plan	2,500	5,000
(5) Failure to comply with requirements associated with Form FRA F 6180.150	2,500	5,000
225.35: Access to records and reports	2,500	5,000

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 \$105,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A. A failure to comply with § 225.23 constitutes a violation of § 225.11. For purposes of §§ 225.25 and 225.27 of this part, each of the following constitutes a single act of noncompliance: (1) A missing or incomplete log entry for a particular employee's injury or illness; or (2) a missing or incomplete log record for a particular rail equipment accident or incident. Each day a violation continues is a separate offense.

² The penalty schedule uses section numbers from 49 CFR part 225. If more than one item is listed as a type of violation of a given section, each item is also designated by a "penalty code," which is used to facilitate assessment of civil penalties, and which may or may not correspond to any subsection designation(s). For convenience, penalty citations will cite the CFR section and the penalty code, if any. FRA reserves the right, should litigation become necessary, to substitute in its complaint the CFR citation in place of the combined CFR and penalty code citation, should they differ.

[75 FR 68909, Nov. 9, 2010, as amended at 77 FR 24421, Apr. 24, 2012]

APPENDIX B TO PART 225—PROCEDURE FOR DETERMINING REPORTING THRESHOLD

1. Wage data used in the calculation are collected from railroads by the Surface Transportation Board (STB) on Form A—STB Wage Statistics. Rail equipment data from the U.S. Department of Labor, Bureau of Labor Statistics (BLS), LABSTAT Series reports are used in the calculation. The equation used to adjust the reporting threshold has two components: (a) The average hourly earnings of certain railroad maintenance employees as reported to the STB by the Class I railroads and Amtrak; and (b) an overall rail equipment cost index determined by the BLS. The wage component is weighted by 40% and the equipment component by 60%.

2. For the wage component, the average of the data from Form A—STB Wage Statistics for Group No. 300 (Maintenance of Way and Structures) and Group No. 400 (Maintenance of Equipment and Stores) employees is used.

3. For the equipment component, LABSTAT Series Report, Producer Price Index (PPI) Series WPU 144 for Railroad Equipment is used.

4. In the month of October, second-quarter wage data are obtained from the STB. For equipment costs, the corresponding BLS railroad equipment indices for the second quarter are obtained. As the equipment index is reported monthly rather than quarterly, the average for the months of April, May and June is used for the threshold calculation.

5. The wage data are reported in terms of dollars earned per hour, while the equipment cost data are indexed to a base year of 1982.

6. The procedure for adjusting the reporting threshold is shown in the formula below. The wage component appears as a fractional change relative to the prior year, while the equipment component is a difference of two percentages which must be divided by 100 to present it in a consistent fractional form. After performing the calculation, the result is rounded to the nearest \$100.