

[78 FR 16113, Mar. 13, 2013]

APPENDIX B TO PART 213—SCHEDULE OF CIVIL PENALTIES

| Section | Violation | Willful Violation ¹ |
|--|-----------|--------------------------------|
| Subpart A—General: | | |
| 213.4(a) Excepted track ² | \$2,500 | \$5,000 |
| 213.4(b) Excepted track ² | 2,500 | 5,000 |
| 213.4(c) Excepted track ² | 2,500 | 5,000 |
| 213.4(d) Excepted track ² | 2,500 | 5,000 |
| 213.4(e): | | |
| (1) Excepted track | 5,000 | 7,500 |
| (2) Excepted track | 7,000 | 10,000 |
| (3) Excepted track | 7,000 | 10,000 |
| (4) Excepted track | 5,000 | 7,500 |
| 213.4(f) Excepted track | 2,000 | 4,000 |
| 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 | 2,500 |
| 213.11 Restoration or renewal of track under traffic conditions | 2,500 | 2,500 |
| 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 Track alignment | 5,000 | 7,500 |
| 213.57 Curves; elevation and speed limitations | 2,500 | 5,000 |
| 213.59 Elevation of curved track; runoff | 2,500 | 2,500 |
| 213.63 Track surface | 5,000 | 7,500 |
| 213.65 Combined track alignment and surface deviations | 5,000 | 7,500 |
| Subpart D—Track structure: | | |
| 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) and (d) Sufficient number of non-defective ties | 1,000 | 2,000 |
| (e) Joint ties | 2,500 | 5,000 |
| (f) Track constructed without crossties | 2,500 | 5,000 |
| 213.110 Gage restraint measurement systems | 5,000 | 7,500 |
| 213.113 Defective rails | 5,000 | 7,500 |
| 213.115 Rail end mismatch | 2,500 | 5,000 |
| 213.118 Continuous welded rail plan (a) through (e) | 5,000 | 7,500 |
| 213.119 Continuous welded rail plan contents (a) through (k) | 5,000 | 7,500 |
| 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 | 2,500 | 5,000 |
| 213.121 (h) Rail joints | 5,000 | 7,500 |
| 213.122 Torch cut rail | 2,500 | 5,000 |
| 213.123 Tie plates | 1,000 | 2,000 |
| 213.127 Rail Fastening Systems | 2,500 | 5,000 |
| 213.133 Turnouts and track crossings, generally | 1,000 | 1,000 |
| 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 | 2,500 | 5,000 |
| 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 |
| 213.234 Automated inspection of track constructed with concrete crossties | 5,000 | 7,500 |
| 213.235 Switches, crossings, transition devices | 2,000 | 4,000 |
| 213.237 Inspection of rail | 2,500 | 5,000 |
| 213.238 Qualified operator | \$2,500 | \$5,000 |
| 213.239 Special inspections | 2,500 | 5,000 |
| 213.241 Inspection records | 1,000 | 1,000 |
| Subpart G—Train operations at track classes 6 and higher: | | |

| Section | Violation | Willful Violation ¹ |
|--|-----------|--------------------------------|
| 213.305 Designation of qualified individuals; general qualifications | 1,000 | 2,000 |
| 213.307 Classes of track: operating speed limits | 2,500 | 5,000 |
| 213.309 Restoration or renewal of track under traffic conditions | 2,500 | 5,000 |
| 213.311 Measuring track not under load | 1,000 | 2,000 |
| 213.319 Drainage | 2,500 | 5,000 |
| 213.321 Vegetation | 1,000 | 2,000 |
| 213.323 Track gage | 5,000 | 7,500 |
| 213.327 Track alinement | 5,000 | 7,500 |
| 213.329 Curves; elevation and speed limits | 2,500 | 5,000 |
| 213.331 Track surface | 5,000 | 7,500 |
| 213.332 Combined track alinement and surface deviations | 5,000 | 7,500 |
| 213.333 Automated vehicle-based 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/track system qualification: | | |
| (a) through (d) | 5,000 | 7,500 |
| (e) through (i) | 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 |

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.

[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; 78 FR 16115, Mar. 13, 2013; 79 FR 4260, Jan. 24, 2014]