

valves, reservoirs and cylinders tight on supports and supports securely attached to car.

(b)(1) Brake equipment on cars other than passenger cars must be cleaned, repaired, lubricated and tested as often as required to maintain it in a safe and suitable condition for service but not less frequently than as required by currently effective AAR Code of Rules for cars in interchange.

(2) Brake equipment on passenger cars must be clean, repaired, lubricated and tested as often as necessary to maintain it in a safe and suitable condition for service but not less frequently than as required in Standard S-045 in the Manual of Standards and Recommended Practices of the AAR.

(3) Copies of the materials referred to in this section can be obtained from the Association of American Railroads, 1920 L Street, NW., Washington, DC 20036.

§ 232.19 through § 232.25 Provisions related to end-of-train devices.

Not included in this Appendix as they are contained in Subpart E of this rule.

II. CLARIFICATION EFFECTIVE APRIL 10, 2002.

This subdivision II contains the following clarifications of 49 CFR part 232 as it read before May 31, 2001. Section 232.13(d)(2)(i) is amended to correct a typographical error made in 1986. See 33 FR 19679, 51 FR 17303. Section 232.17(a)(2)(iii) is amended to clarify that the single car test required to be performed pursuant to this paragraph may be conducted in accordance with the applicable AAR Code of Tests or the American Public Transportation Association standard referenced in 49 CFR 238.311(a). Section 232.17(b)(3) is amended by inserting FRA's current address as the location where the standards and procedures referenced in § 232.17 can be obtained.

§ 232.13 Road train and intermediate terminal train air brake tests.

* * * * *

(d) * * *

(2)(i) At a terminal where a solid block of cars, which has been previously charged and tested as prescribed by § 232.12 (c) through (j), is added to a train, it must be determined that the brakes on the rear car of the train apply and release. As an alternative to the rear car application and release test, it shall be determined that brake pipe pressure of the train is being reduced as indicated by a rear car gauge or device and then that brake pipe pressure of the train is being restored as indicated by a rear car gauge or device.

* * * * *

§ 232.17 Freight and passenger train car brakes.

(a) * * *

(2) * * *

(iii) When a car equipped for use in passenger train service not due for periodical air brake repairs, as indicated by stenciled or recorded cleaning dates, is on shop or repair tracks, brake equipment must be tested by use of single car testing device as prescribed by the applicable AAR Code of Tests or by the American Public Transportation Association (APTA) standard referenced in § 238.311(a) of this chapter. Piston travel of brake cylinders must be adjusted if required, to the standard travel for that type of brake cylinder. After piston travel has been adjusted and with brakes released, sufficient brake shoe clearance must be provided.

* * * * *

(b) * * *

(3) Copies of the materials referred to in this section may be obtained from the Federal Railroad Administration, Office of Safety, RRS-14, 1120 Vermont Avenue, NW., Stop 25, Washington DC 20590.

[69 FR 29666, May 25, 2004, as amended at 67 FR 17584, Apr. 10, 2002]

PART 233—SIGNAL SYSTEMS REPORTING REQUIREMENTS

Sec.

- 233.1 Scope.
233.3 Application.
233.5 Accidents resulting from signal failure.
233.7 Signal failure reports.
233.9 [Reserved]
233.11 Civil penalties.
233.13 Criminal penalty.

APPENDIX A TO PART 233—SCHEDULE OF CIVIL PENALTIES

AUTHORITY: 49 U.S.C. 504, 522, 20103, 20107, 20501-20505, 21301, 21302, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

SOURCE: 49 FR 3379, Jan. 26, 1984, unless otherwise noted.

§ 233.1 Scope.

This part prescribed reporting requirements with respect to methods of train operation, block signal systems, interlockings, traffic control systems, automatic train stop, train control, and cab signal systems, or other similar appliances, methods, and systems.

§ 233.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to rail rapid transit operations conducted over track that is used exclusively for that purpose and that is not part of the general system of railroad transportation.

§ 233.5 Accidents resulting from signal failure.

Each carrier shall report within 24 hours to the Federal Railroad Administration by toll free telephone, number 800-424-0201, whenever it learns of the occurrence of an accident/incident arising from the failure of an appliance, device, method or system to function or indicate as required by part 236 of this title that results in a more favorable aspect than intended or other condition hazardous to the movement of a train.

EFFECTIVE DATE NOTE: At 49 FR 3379, Jan. 26, 1984, part 233 was revised. This section contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 233.7 Signal failure reports.

Each carrier shall report within 15 days each failure of an appliance, device, method, or system to function or indicate as required by part 236 of this title that results in a more favorable aspect than intended or other condition hazardous to the movement of a train. Form FRA F6180-14, "Signal Failure Report," shall be used for this purpose and completed in accordance with instructions printed on the form.

(Approved by the Office of Management and Budget under control number 2130-0007)

§ 233.9 [Reserved]

§ 233.11 Civil penalties.

Any person (an entity of any type covered under 1 U.S.C. 1, including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent 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 \$650 and not more than \$25,000 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 to persons, or has caused death or injury, a penalty not to exceed \$105,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense. See appendix A to this part for a statement of agency civil penalty policy.

[63 FR 11623, Mar. 10, 1998, as amended at 69 FR 30595, May 28, 2004; 72 FR 51197, Sept. 6, 2007; 73 FR 79703, Dec. 30, 2008; 77 FR 24422, Apr. 24, 2012]

§ 233.13 Criminal penalty.

Whoever knowingly and willfully—

(a) Makes, causes to be made, or participates in the making of a false entry in reports required to be filed by this part; or

(b) Files a false report or other document required to be filed by this part is subject to a \$5,000 fine and 2 years imprisonment as prescribed by 49 U.S.C. 522 and 49 U.S.C. 21311.

[49 FR 3379, Jan. 26, 1984, as amended at 79 FR 37669, July 2, 2014]

APPENDIX A TO PART 233—SCHEDULE OF CIVIL PENALTIES¹

Section	Violation	Willful violation
233.5 Accidents resulting from signal failure	\$2,500	\$5,000
233.7 Signal failure reports	5,000	7,500

Section	Violation	Willful violation
233.9 [Reserved]		

¹A 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.

[53 FR 52936, Dec. 29, 1988, as amended at 63 FR 11623, Mar. 10, 1998; 69 FR 30595, May 28, 2004; 73 FR 79704, Dec. 30, 2008; 77 FR 24422, Apr. 24, 2012; 79 FR 37669, July 2, 2014]

PART 234—GRADE CROSSING SAFETY, INCLUDING SIGNAL SYSTEMS, STATE ACTION PLANS, AND EMERGENCY NOTIFICATION SYSTEMS

Subpart A—General

- Sec.
- 234.1 Scope.
- 234.3 Application and responsibility for compliance.
- 234.5 Definitions.
- 234.6 Penalties.

Subpart B—Reports and Plans

- 234.7 Accidents involving grade crossing signal failure.
- 234.9 Grade crossing signal system failure reports.
- 234.11 State highway-rail grade crossing action plans.

Subpart C—Response to Credible Reports of Warning System Malfunction at Highway-Rail Grade Crossings

- 234.101 Employee notification rules.
- 234.103 Timely response to report of malfunction.
- 234.105 Activation failure.
- 234.106 Partial activation.
- 234.107 False activation.
- 234.109 Recordkeeping.

Subpart D—Maintenance, Inspection, and Testing

MAINTENANCE STANDARDS

- 234.201 Location of plans.
- 234.203 Control circuits.
- 234.205 Operating characteristics of warning system apparatus.
- 234.207 Adjustment, repair, or replacement of component.
- 234.209 Interference with normal functioning of system.
- 234.211 Security of warning system apparatus.
- 234.213 Grounds.
- 234.215 Standby power system.
- 234.217 Flashing light units.
- 234.219 Gate arm lights and light cable.

- 234.221 Lamp voltage.
- 234.223 Gate arm.
- 234.225 Activation of warning system.
- 234.227 Train detection apparatus.
- 234.229 Shunting sensitivity.
- 234.231 Fouling wires.
- 234.233 Rail joints.
- 234.235 Insulated rail joints.
- 234.237 Reverse switch cut-out circuit.
- 234.239 Tagging of wires and interference of wires or tags with signal apparatus.
- 234.241 Protection of insulated wire; splice in underground wire.
- 234.243 Wire on pole line and aerial cable.
- 234.245 Signs.

INSPECTIONS AND TESTS

- 234.247 Purpose of inspections and tests; removal from service of relay or device failing to meet test requirements.
- 234.249 Ground tests.
- 234.251 Standby power.
- 234.253 Flashing light units and lamp voltage.
- 234.255 Gate arm and gate mechanism.
- 234.257 Warning system operation.
- 234.259 Warning time.
- 234.261 Highway traffic signal pre-emption.
- 234.263 Relays.
- 234.265 Timing relays and timing devices.
- 234.267 Insulation resistance tests, wires in trunking and cables.
- 234.269 Cut-out circuits.
- 234.271 Insulated rail joints, bond wires, and track connections.
- 234.273 Results of inspections and tests.

REQUIREMENTS FOR PROCESSOR-BASED SYSTEMS

- 234.275 Processor-based systems.

Subpart E—Emergency Notification Systems for Telephonic Reporting of Unsafe Conditions at Highway-Rail and Pathway Grade Crossings

- 234.301 Definitions.
- 234.303 Emergency notification systems for telephonic reporting of unsafe conditions at highway-rail and pathway grade crossings.
- 234.305 Remedial actions in response to reports of unsafe conditions at highway-rail and pathway grade crossings.