

APPENDIX B TO PART 223—SCHEDULE OF CIVIL PENALTIES<sup>1</sup>

Section	Violation	Willful violation
223.9 New or rebuilt Equipment:		
(a) Locomotives .....	\$2,500	\$5,000
(b) Caboosees .....	2,500	5,000
(c) Passenger cars .....	2,500	5,000
(d) (1), (d)(2):		
(i) Window not marked or instructions not posted .....	2,500	5,000
(ii) Window improperly marked or instructions improperly posted .....	1,000	2,000
223.11(c) Existing locomotives .....	2,500	5,000
(d) Repair of window .....	1,000	2,000
223.13(c) Existing cabooses .....	2,500	5,000
(d) Repair of window .....	1,000	2,000
223.15(c) Existing passenger cars .....	2,500	5,000
(d) Repair of window .....	1,000	2,000
223.17 Identification of units .....	1,000	1,500

[63 FR 24676, May 4, 1998]

**PART 225—RAILROAD ACCIDENTS/ INCIDENTS: REPORTS CLASSIFICATION, AND INVESTIGATIONS**

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- 225.11 Reporting of accidents/incidents.
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- 225.13 Late reports.
- 225.15 Accidents/incidents not to be reported.
- 225.17 Doubtful cases; alcohol or drug involvement.
- 225.19 Primary groups of accidents/incidents.
- 225.21 Forms.
- 225.23 Joint operations.
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- 225.35 Access to records and reports.
- 225.37 Magnetic media transfer and electronic submission.

<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 \$22,000 for any violation where circumstances warrant. See 49 U.S.C. 21301, 21304, and 49 CFR part 209, appendix A. Further designations, not found in the CFR citation for certain provisions are FRA Of-

APPENDIX A TO PART 225—SCHEDULE OF CIVIL PENALTIES

APPENDIX B TO PART 225—PROCEDURE FOR DETERMINING REPORTING THRESHOLD

AUTHORITY: 49 U.S.C. 20103, 20107, 20901, 20902, 21302, 21311; 49 U.S.C. 103; 49 CFR 1.49.

SOURCE: 39 FR 43224, Dec. 11, 1974, unless otherwise noted.

**§ 225.1 Purpose.**

The purpose of this part is to provide the Federal Railroad Administration with accurate information concerning the hazards and risks that exist on the Nation's railroads. FRA needs this information to effectively carry out its regulatory responsibilities under 49 U.S.C. chapters 201-213. FRA also uses this information for determining comparative trends of railroad safety and to develop hazard elimination and risk reduction programs that focus on preventing railroad injuries and accidents. Issuance of these regulations under the federal railroad safety laws and regulations preempts States from prescribing accident/incident reporting requirements. Any State may, however, require railroads to submit to it copies of accident/incident and injury/illness reports filed with FRA under this part,

fice of Chief Counsel computer codes added as a suffix to the CFR citation and used to expedite imposition of civil penalties for violations. FRA reserves the right, should litigation become necessary, to substitute in its complaint the CFR citation in place of the combined designation cited in the penalty demand letter.

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for accidents/incidents and injuries/illnesses which occur in that State.

[61 FR 30967, June 18, 1996]

### § 225.3 Applicability.

(a) Except as provided in paragraphs (b), (c), and (d), this part applies to all railroads except—

(1) A railroad that operates freight trains only on track inside an installation which is not part of the general railroad system of transportation or that owns no track except for track that is inside an installation that is not part of the general railroad system of transportation and used for freight operations.

(2) Rail mass transit operations in an urban area that are not connected with the general railroad system of transportation.

(3) A railroad that exclusively hauls passengers inside an installation that is insular or that owns no track except for track used exclusively for the hauling of passengers inside an installation that is insular. An operation is not considered insular if one or more of the following exists on its line:

(i) A public highway-rail grade crossing that is in use;

(ii) An at-grade rail crossing that is in use;

(iii) A bridge over a public road or waters used for commercial navigation; or

(iv) A common corridor with a railroad, *i.e.*, its operations are within 30 feet of those of any railroad.

(b) The Internal Control Plan requirements in § 225.33(a)(3) through (10) do not apply to—

(1) Railroads that operate or own track on the general railroad system of transportation that have 15 or fewer employees covered by the hours of service law (49 U.S.C. 21101–21107) and

(2) Railroads that operate or own track exclusively off the general system.

(c) The recordkeeping requirements regarding accountable injuries and illnesses and accountable rail equipment accidents/incidents found in § 225.25(a) through (g) do not apply to—

(1) Railroads that operate or own track on the general railroad system of transportation that have 15 or fewer

employees covered by the hours of service law (49 U.S.C. 21101–21107) and

(2) Railroads that operate or own track exclusively off the general system.

(d) All requirements in this part to record or report an injury or illness incurred by any classification of person that results from a non-train incident do not apply to railroads that operate or own track exclusively off the general railroad system of transportation, unless the non-train incident involves in-service on-track equipment.

[61 FR 30967, June 18, 1996, as amended at 61 FR 67490, Dec. 23, 1996]

### § 225.5 Definitions.

As used in this part—

*Accident/incident* means:

(1) Any impact between railroad on-track equipment and an automobile, bus, truck, motorcycle, bicycle, farm vehicle or pedestrian at a highway-rail grade crossing;

(2) Any collision, derailment, fire, explosion, act of God, or other event involving operation of railroad on-track equipment (standing or moving) that results in reportable damages greater than the current reporting threshold to railroad on-track equipment, signals, track, track structures, and roadbed;

(3) Any event arising from the operation of a railroad which results in:

(i) Death to any person;

(ii) Injury to any person that requires medical treatment;

(iii) Injury to a railroad employee that results in:

(A) A day away from work;

(B) Restricted work activity or job transfer; or

(C) Loss of consciousness; or

(4) Occupational illness.

*Accountable injury or illness* means any condition, not otherwise reportable, of a railroad worker that is associated with an event, exposure, or activity in the work environment that causes or requires the worker to be examined or treated by a qualified health care professional. Such treatment would usually occur at a location other than the work environment; however, it may be provided at any location, including the work site.

*Accountable rail equipment accident/incident* means any event not otherwise