

PART 210—RAILROAD NOISE EMISSION COMPLIANCE REGULATIONS

Subpart A—General Provisions

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APPENDIX A TO PART 210—SUMMARY OF NOISE STANDARDS, 40 CFR PART 201

APPENDIX B TO PART 210—SWITCHER LOCOMOTIVE ENFORCEMENT POLICY

AUTHORITY: Sec. 17, Pub. L. 92-574, 86 Stat. 1234 (42 U.S.C. 4916); sec. 1.49(o) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(o).

SOURCE: 48 FR 56758, Dec. 23, 1983, unless otherwise noted.

Subpart A—General Provisions

§210.1 Scope of part.

This part prescribes minimum compliance regulations for enforcement of the Railroad Noise Emission Standards established by the Environmental Protection Agency in 40 CFR part 201.

§210.3 Applicability.

(a) Except as provided in paragraph (b) of this section, the provisions of this part apply to the total sound emitted by moving rail cars and locomotives (including the sound produced by refrigeration and air conditioning units that are an integral element of such equipment), active retarders, switcher locomotives, car coupling operations, and load cell test stands, op-

erated by a railroad as defined in 45 U.S.C. 22, under the conditions described in this part and in 40 CFR part 201.

(b) The provisions of this part do not apply to—

- (1) Steam locomotives;
- (2) Street, suburban, or interurban electric railways unless operated as a part of the general railroad system of transportation;
- (3) Sound emitted by warning devices, such as horns, whistles, or bells when operated for the purpose of safety;
- (4) Special purpose equipment that may be located on or operated from rail cars;
- (5) As prescribed in 40 CFR 201.10, the provisions of 40 CFR 201.11 (a) and (b) and (c) do not apply to gas turbinepowered locomotives or any locomotive type that cannot be connected by any standard method to a load cell; or
- (6) Inert retarders.

[48 FR 56758, Dec. 23, 1983, as amended at 54 FR 33228, Aug. 14, 1989]

§210.5 Definitions.

(a) *Statutory definitions.* All terms used in this part and defined in the Noise Control Act of 1972 (42 U.S.C. 4901 *et seq.*) have the definition set forth in that Act.

(b) *Definitions in standards.* All terms used in this part and defined in §201.1 of the Railroad Noise Emission Standards, 40 CFR 201.1, have the definition set forth in that section.

(c) *Additional definitions.* As used in this part—

Administrator means the Federal Railroad Administrator, the Deputy Administrator, or any official of FRA to whom the Administrator has delegated authority to act in the Administrator's stead.

Consist of a locomotive and rail cars means one or more locomotives coupled to a rail car or rail cars.

FRA means the Federal Railroad Administration.

Inert retarder means a device or system for holding a classified cut of cars and preventing it from rolling out the bottom of a railyard.

Inspector means FRA inspectors or FRA specialists.