

Part 209*(current as of May 23, 2019)***Civil Penalty Assessment Guidelines**

Emergency orders		Guideline amount¹
EO16	Penalties for violations of EO16 vary depending on the circumstances	Varies.
EO17	Penalties for violations of EO17 vary depending on the circumstances	Varies.
	Failure to file annual report	5,000
EO23	Penalties for violations of EO23 vary depending on the circumstances	Varies.

¹Any person who violates an emergency order issued under the authority of 49 U.S.C. Ch. 201 is subject to a civil penalty of at least \$870 and not more than \$28,474 per violation, except that 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 a death or injury, a penalty not to exceed \$113,894 per violation may be assessed. Each day that the violation continues is a separate offense. 49 U.S.C. 21301; 28 U.S.C. 2461, note.

49 CFR section	Description	Guideline amount¹
PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES		
107.608	Failure to register or to renew registration. (Note: registration—or renewal—is mitigation.)	1,500
107.620(d)	Failure to show records on proper request	2,000
	Deliberate attempt to hide records-considerable aggravation possible	Varies.

PART 171—GENERAL REGULATIONS

171.2(a), (b), (c), (e), (f)	General duty sections—may be cited in support of another, more specific citation to the actual regulatory section violated	
171.2(d)	Offering or accepting a hazardous material (hazmat or HM) without being registered	1,500
171.2(g)	Representing (marking, certifying, selling, or offering) a packaging as meeting regulatory specification when it does not	8,000
171.2(i)	Certifying that a hazardous material is offered for transportation in commerce in accordance with the regulations (packaged, marked, labeled, etc.) when it is not. A more specific citation to the actual underlying regulation violated should be used instead of this section, or accompanying this section, if possible	5,000
171.2(j)	Representing (by marking or otherwise) that a container or package for transportation of a hazardous material is safe, certified, or in compliance with the regulations when it is not	8,000
171.2(k)	Representing, marking, etc. for the presence of HM when no HM is present. (Mitigation required for shipments smaller than a carload, e.g., single drum penalty is \$1,000.)	2,000
171.2(l)	Tampering with (altering, removing, defacing, or destroying) any marking, label, placard, or description on a document required by hazmat law or regulations; unlawfully tampering with a package, container, motor vehicle, rail car, aircraft, or vessel used for the transportation of hazardous materials	Varies—considerable aggravation possible.

171.2(m)	Falsifying or altering an exemption, approval, registration, or other grant of authority issued under hazmat regulations. Offering or transporting a hazmat under an altered exemption, approval, registration, or other grant of authority without the consent of the issuing authority. Representing, marking, certifying, or selling a packaging or container under an altered exemption, approval, registration, or other grant of authority	Varies—considerable aggravation possible.
171.12	Import shipments—Importer not providing shipper and forwarding agent with U.S. requirements. Cannot be based on inference	4,000
	Import shipments—Failure to certify by shipper or forwarding agent	2,000
171.15	Failure to provide immediate notice of certain hazardous materials incidents	6,000
171.16	Failure to file incident report (form DOT 5800.1). (Multiple failures will aggravate the penalty.)	4,000
PART 172—SHIPPING PAPERS		
172.200-.203	Offering hazardous materials for transportation when the material is not properly described on the shipping paper as required by §§ 172.200—.203. (The “shipping paper” is the document tendered by the shipper/offeror to the carrier. The original shipping paper contains the shipper's certification at § 172.204.) Considerable aggravation of penalties under these sections is possible, particularly in case involving undeclared hazmat.	
	—Undeclared shipment: offering a hazardous material without shipping papers, package markings, labels, or placards (see also §§ 172.300, 172.400, 172.500 for specific requirements)	15,000

	—Information on the shipping paper is wrong to the extent that it caused or materially contributed to a reaction by emergency responders that aggravated the situation or caused or materially contributed to improper handling by the carrier that led to or materially contributed to a product release	15,000
	—Total lack of hazardous materials information on shipping paper. (Some shipping names alone contain sufficient information to reduce the guideline to the next lower level, but there may be such dangerous products that aggravation needs to be considered.)	7,500
	—Some information is present, but the missing or improper description could cause mishandling by the carrier or a delay or error in emergency response	5,000
	—When the improper description is not likely to cause serious problem (technical defect)	2,000
	—Shipping paper includes a hazardous material description and no hazardous material is present. (Technically, this is also a violation of § 171.2(k); it is presented here as a convenience.)	7,500
	Failure to include emergency response information is covered at §§ 172.600-604; while the normal unit of violation for shipping papers is the whole document, failure to provide emergency response information is a separate violation.	
172.201(d)	Failure to put emergency response telephone number on shipping paper	4,000
172.201(e)	Failure to retain shipping paper for required period (1 year if carrier, 2 years if offeror)	7,500
172.204	Offeror's failure to certify	2,000
172.205	Hazardous waste manifest. (Applies only to defects in the Hazardous Waste Manifest form [EPA Form 8700-22 and 8700-22A]; shipping paper defects are cited and penalized under § 172.200-.203.)	Parallel the penalties for §§ 172.200-.203, depending on circumstances.

Marking:		
172.301	Failure to mark a non-bulk package as required (e.g., no commodity name on a 55-gallon drum). (Shipment is the unit of violation.)	1,000
172.302	Failure to follow standards for marking bulk packaging	2,000
172.302(a)	ID number missing or in improper location. (The guideline is for a portable tank; for smaller bulk packages, the guideline should be mitigated downward.)	2,500
172.302(b)	Failure to use the correct <i>size</i> of markings. (Note: If § 172.326(a) is also cited, it takes precedence and § 172.302(b) is not cited. Note also: the guideline is for a gross violation of marking size—1/2" where 2" is required—and mitigation should be considered for markings approaching the required size.)	2,000
172.302(c)	Failure to place exemption number markings on bulk package	2,000
172.303	Prohibited marking. (Package is marked for a hazardous material and contains either another hazardous material or no hazardous material.)	
	—The marking is wrong and caused or contributed to a wrong emergency response	10,000
	—Use of a tank car stenciled for one commodity to transport another	5,000
	—Inconsistent marking; e.g., shipping name and ID number do not agree	5,000
	—Marked as a hazardous material when package does not contain a hazardous material	2,000
172.304	Obscured marking	2,000
172.313	“Inhalation Hazard” not marked	2,500
172.322	Failure to mark for MARINE POLLUTANT where required	1,500
172.325(a)	Improper, or missing, HOT mark for elevated temperature material	1,500
172.325(b)	Improper or missing commodity stencil	2,500

172.326(a)	Failure to mark a portable tank with the commodity name	2,500
	Failure to have commodity name visible (“legible”) when portable tank is loaded on intermodal equipment	2,500
172.326(b)	Owner's/lessee's name not displayed	500
172.326(c)	Failure to mark portable tank with ID number	2,500
	Failure to have ID number visible when portable tank is loaded on intermodal equipment	2,500
172.330(a)(1)(i)	Offering/transporting hazardous material in a tank car that does not have the required ID number displayed on the car	2,500
172.330(a)(1)(ii)	Offering/transporting hazardous material in a tank car that does not have the required shipping name or common name stenciled on the car. This section “lists” the materials that require such markings on the tank. For tank car marking requirements for molten aluminum and molten sulfur, see § 172.325(b)	2,500
172.330(c)	Failing to mark tank car as NON-ODORIZED or NOT ODORIZED when offering/transporting tank car or multi-unit tank car containing unodorized LPG	2,500
172.331(b)	Offering bulk packaging other than a portable tank, cargo tank, or tank car (e.g., a hopper car) not marked with ID number. (E.g., a hopper car carrying a hazardous substance, where a placard is not required)	2,500
172.332	Improper display of identification number markings. Citation of this section and §§ 172.326(c) (portable tanks), 172.328 (cargo tanks), or 172.330 (tank cars) does not create two separate violations	2,000
172.334(a)	Displaying ID numbers on a RADIOACTIVE, EXPLOSIVES 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6, or DANGEROUS, or subsidiary hazard placard	4,000
172.334(b)	—Improper display of ID number that caused or contributed to a wrong emergency response	15,000

	—Improper display of ID number that could cause carrier mishandling or minor error in emergency response	5,000
	—Technical error	2,000
172.334(f)	Displaying ID number on orange panel not in proximity to the placard	1,500
Labeling:		
172.400-.406	Failure to label properly. (See also § 172.301 regarding the marking of packages.)	2,500
Placarding:		
172.502	—Placarded as hazardous material when car does not contain a hazardous material	2,000
	—Hazardous material is present, but the placard does not represent hazard of the contents	4,000
	—Display of sign or device that could be confused with regulatory placard. Photograph or good, clear description necessary	2,000
172.503	Improper display of ID number on placards	See § 172.334.
172.504(a)	Failure to placard; affixing or displaying wrong placard. (See also §§ 172.502(a), 172.504(a), 172.505, 172.512, 172.516, 174.33, 174.59, 174.69; all applicable sections should be cited, but the penalty should be set at the amount for the violation most directly in point.) (Generally, the car is the unit of violation, and penalties vary with the number of errors, typically at the rate of \$1,000 per placard.)	
	—Complete failure to placard	7,500
	—One placard missing (add \$1,000 per missing placard up to a total of three; then use the guideline above)	1,000
	—Complete failure to placard, but only two (2) placards are required (e.g., intermediate bulk containers [IBCs])	2,500
172.504(b)	Improper use of DANGEROUS placard for mixed loads	5,000

172.504(c)	Placarded for wrong hazard class when no placard was required due to “1,001 pound” exemption	2,000
172.504(e)	Use of placard other than as specified in the table:	
	—Improper placard caused or contributed to improper reaction by emergency response forces or caused or contributed to improper handling by carrier that led to a product release	15,000
	—Improper placard that could cause improper emergency response or handling by carrier	5,000
	—Technical violation	2,500
172.505	Improper application of placards for subsidiary hazards. (This is in addition to any violation on the primary hazard placards.)	5,000
172.508(a)	Offering hazardous material for rail transportation without affixing placards. (The preferred section for a total failure to placard is § 172.504(a); only one section should be cited to avoid a dual penalty.) (Note also: Persons offering hazardous material for rail movement must <i>affix</i> placards; if offering for highway movement, the placards must be <i>tendered</i> to the carrier. § 172.506.)	7,500
	One placard missing (per car). (Add \$1,000 per missing placard up to a total of three; if all placards are missing, the guideline above applies.)	1,000
	Placards OK, except they were International Maritime Dangerous Goods (IMDG) labels instead of 10" placards. (Unit of violation is the packaging, usually a portable tank.)	500
	Placards on Container on Flatcar/Trailer on Flatcar (TOFC/COFC) units not readily visible. (§ 172.516 should be cited)	See § 172.516.
172.508(b)	Accepting hazardous material for rail transportation without placards affixed	5,000

172.510(a)	EXPLOSIVES 1.1, EXPLOSIVES 1.2, POISON GAS, (Division 2.3, Hazard Zone A), POISON, (Division 6.1, Packing Group I, Hazard Zone A), or a Division 2.1 material transported in a Class DOT 113 tank car, placards displayed without square background	5,000
172.512(a)	Improper placarding of freight containers	Follow § 172.504 guidelines.
172.514	Improper placarding of bulk packaging other than a tank car: For the “exception” packages in 174.514(c). Use the regular placarding sections for the guideline amounts for larger bulk packages	2,000
172.516	Placard not readily visible, improperly located or displayed, or deteriorated. Placard is the unit of violation	1,000
	—When placards on an intermodal container are not visible, for instance, because the container is in a well car. Container is the unit of violation, and, as a matter of enforcement policy, FRA accepts the lack of visibility of the end placards	2,000
	—Note that, while placards on freight containers, portable tanks, or TOFC vehicles may be used in lieu of placards on the rail cars, if both are placarded, each must be done properly. Thus, for instance, EXPLOSIVES 1.1 placards on intermodal containers do not require white square backgrounds, but if the rail car carrying such a container is placarded, the white square background is required on the rail car.	
172.519(b)(4)	Improper display of hazard class on placard—primary hazard	2,500
	Improper display of hazard class on placard—secondary hazard	2,500

Emergency Response Information	Violations of §§ 172.600-.604 are in addition to shipping paper violations. In citing a carrier, if the railroad's practice is to carry an emergency response (E/R) book or to put the E/R information as an attachment to the consist, the unit of violation is generally the train (or the consist). "Telephone number" violations are generally best cited against the shipper; if against a railroad, there should be proof that the number was given to the railroad; that is, the number was on the original shipping document. Considerable aggravation of the penalties under these sections is possible.	
172.600-.602	Where improper emergency response information has caused an improper reaction from emergency forces and the improper response has aggravated the situation	15,000
	Bad, missing, or improper emergency response information that could cause a significant difference in response	5,000
	Bad, missing, or improper emergency response information not likely to cause a significant difference in response	2,500
172.602(c)	Failure to have emergency response information "immediately accessible," resulting in delay or confusion in emergency response	15,000
	Failure to have emergency response information "immediately accessible" with no negative effect on emergency response	7,500
172.604	Emergency response telephone number	
	—Failure to include emergency response telephone number on a shipping paper	4,000
	—Listing an unauthorized, incorrect, non-working, or unmonitored (24 hrs. a day) emergency response telephone number on a shipping paper	4,000
Training	NOTE: The statutory minimum penalty for training violations is \$481.	
172.702(a)	General failure to train hazardous material employees	7,500

172.702(b)	Hazardous material employee performing covered function without training. (Unit of violation is the employee.)	1,000
172.704(a)	—Failure to train in a required area:	2,500
	—General awareness/familiarization;	
	—Function-specific;	
	—Safety;	
	—Security awareness;	
	—In-depth security training.	
	(Unit of violation is the “area,” per employee. For a total failure to train, § 172.702(a) applies.)	
172.704(c)	Initial and recurrent training. (This section should be cited with the relevant substantive section, e.g., § 172.702(a), and use penalty provided there.)	Varies.
172.704(d)	Failure to maintain record of training. (Unit of violation is the employee.)	2,500
	There is some evidence of training, but no (or inadequate) records and the employee demonstrates no or very little knowledge or skills in doing the job	4,000
Security:		
172.800	Total failure to develop security plan. Factors to consider are the size of the entity (is it a small business?); the type of hazmat handled; and the quantities of hazmat handled. Aggravation should be considered, for example, if it is a large entity that handles significant quantities of chlorine or other toxic inhalation hazard (TIH) material	5,000 to 10,000.
	Failure to adhere to the developed security plan—considerable aggravation possible. Factors to consider include size of entity, quantities and types of hazmat handled, number of security plan components not complied with	1,000 to 10,000.
172.802(a)	Failure to include each required component in plan:	2,000
	—Personnel security;	

	—Unauthorized access;	
	—En route security.	
	(Unit of violation is the “area.” For a total failure to have a security plan, cite § 172.800 and use that penalty instead of § 172.802.)	
172.802(b)	Failure to have security plan (or appropriate portions of it) available to implementing employees. (A failure to have the plan “in writing” is treated as a violation of the requirement to have a plan and cited under § 172.800, using that penalty.)	5,000
	Failure to revise/update the plan. (The requirement to revise/update is based on “changing circumstances.” Specific, clear, and detailed explanations of the circumstances that changed will be necessary.)	5,000
	Failure to update all copies of the plan to the current level (i.e. all copies should be identical). (As in the tank car quality control area, the requirement to conform copies applies only to the “official” copies of the plan. Uncontrolled (and non-updated) copies of the security plan are not a violation if the uncontrolled copies are clearly marked as such.)	5,000
172.820(a)-(e)	General failure to perform safety and security route analysis	5,000 to 10,000
	<i>Factors to consider are the size of the railroad carrier, and the quantities of hazmat transported</i>	
172.820(a)-(e)	Partial failure to complete route analysis; failure to complete a component of the route analysis	5,000
	—Compilation of security-sensitive commodity data	
	—Identification of practicable alternative routes	
	—Consultation with State, local, and tribal officials, as appropriate regarding security risks to high-consequence targets along or in proximity to a route used by the carrier to transport security-sensitive materials	

	—Safety and security route analysis of route used	
	—Safety and security alternative route analysis	
172.820(f)	Failure to complete route analyses within the prescribed time frame	2,000
172.820(g)	Failure to include one of the following components in safety and security plan	2,000
	—Procedure for consultation with offerors and consignees to minimize storage of security-sensitive materials incidental to movement	
	—Measures to limit unauthorized access to the materials during storage or delays in transit	
	—Measures to mitigate risk to population centers associated with in-transit storage of the materials	
	—Measures to be taken in the event of escalating threat levels for the materials stored in transit	
	<i>(Unit of violation is the component. For a total failure to have a security plan, cite § 172.800 and use the penalties provided for that section.)</i>	
172.820(h)	Failure to maintain records and make available to DOT and DHS authorized officials	2,000
172.820(i)	Failure to use route designated by FRA Associate Administrator for Safety	10,000
PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGES		
General:		
173.1	General duty section applicable to shippers; also includes subparagraph (b), the requirement to train employees about applicable regulations. (Cite the appropriate section in the 172.700-704 series for training violations.)	2,000

173.9(a)	Early delivery of transport vehicle that has been fumigated. (48 hours must have elapsed since fumigation.)	5,000
173.9(b)	Failure to display fumigation placard. (Ordinarily cited against shipper only, not against railroad.)	1,000
173.10	Delivery requirements for gases and for flammable liquids. See also §§ 174.204 and 174.304	3,000
Preparation of Hazardous Materials for Transportation:		
173.22	Shipper responsibility: This general duty section should ordinarily be cited only to support a more specific charge	See specific section.
173.22a	Improper use of packagings authorized under exemption	2,500
	Failure to maintain copy of exemption as required	1,000
173.24(b)(1) and 173.24(b)(2) and 173.24(f)(1) and 173.24(f)(1)(ii)	Securing closures: These subsections are the general “no leak” standard for all packagings. Sec. 173.24(b) deals primarily with packaging as a whole, while §173.24(f) focuses on closures. Use §173.31(d) for tank cars, when possible. Cite the sections accordingly, using both the leak/non-leak criteria and the package size considerations to reach the appropriate penalty. Any actual leak will aggravate the guideline by, typically, 50%; a leak with contact with a human being will aggravate by at least 100%, up to the maximum of \$79,976, and up to \$186,610 if the violation results in death, serious illness or injury or substantial destruction of property. For intermodal (IM) portable tanks and other tanks of that size range, use the tank car penalty amounts, as stated in §173.31.	
	—Small bottle or box	1,000
	—55-gallon drum	2,500
	—Larger container, <i>e.g.</i> , IBC; <i>not</i> portable tank or tank car	5,000
	—IM portable tank, cite § 173.24(f) and use the penalty amounts for tank cars: Residue, generally, § 173.29(a) and, loaded, § 173.31(d).	

	—Residue adhering to outside of package (<i>i.e.</i> , portable tanks, tank cars, etc.)	5,000
173.24(c)	Use of package not meeting specifications, including required stencils and markings. The most specific section for the package involved should be cited (see below). The penalty guideline should be adjusted for the size of the container. Any actual leak will aggravate the guideline by, typically, 50%; a leak with contact with a human being will aggravate by at least 100%, up to the maximum of \$79,976, and up to \$186,610 if the violation results in death, serious illness or injury or substantial destruction of property.	
	—Small bottle or box.	1,000
	—55-gallon drum.	2,500
	—Larger container, e.g., IBC; <i>not</i> portable tank or tank car, <i>but</i> this section is applicable to a hopper car.	5,000
	<i>For more specific sections: Tank cars-§ 173.31(a), portable tanks-§ 173.32, and IM portable tanks-§§ 173.32a, 173.32b, and 173.32c.</i>	
	—Small bottle or box.	1,000
	—55-gallon drum.	2,500
	—Larger container, e.g., IBC; <i>not</i> portable tank or tank car, <i>but</i> this section is applicable to a hopper car.	5,000
	<i>For more specific sections: Tank cars-§ 173.31(a), portable tanks-§ 173.32, and IM portable tanks-§§ 173.32a, 173.32b, and 173.32c.</i>	
	—Larger container, e.g., IBC; not portable tank or tank car, but this section is applicable to a hopper car	5,000
	For more specific sections: Tank cars—§ 173.31(a), portable tanks—§ 173.32, and IM portable tanks—§§ 173.32a,173.32b, and 173.32c.	
173.24a(a)(3)	Non-bulk packagings: Failure to secure and cushion inner packagings	1,000
	—Causes leak	5,000
	—Leak with any contact between product and any human being	15,000

173.24a(b) and (d)	Non-bulk packagings: Exceeding filling limits	1,000
	—Causes leak	5,000
	—Leak with any contact between product and any human being	15,000
173.24b(a)	Insufficient outage:	
	—<1%	3,000
	—Causes leak	5,000
	Outage <5% on PIH material	5,000
	—Causes leak	7,500
	—Leak with any contact between product and any human being	15,000
173.24b(d)(2)	Overloaded to exceed the maximum weight of lading marked on the specification plate	5,000
173.26	Loaded beyond gross weight or capacity as stated in specification. (Applies only if quantity limitations do not appear in packaging requirements of part 173.) (For tank cars, see § 179.13.) For gross weight and capacity requirements, see § 179.13. § 173.26 should be the citation for the violation and civil penalty; § 179.13 can be cited as a reference section	5,000
173.28	Improper reuse, reconditioning, or remanufacture of packagings	1,000
173.29(a)	Offering residue tank car for transportation when openings are not tightly closed (§ 173.31(d) is also applicable for tank cars). The regulation requires offering “in the same manner as when” loaded and may be cited when a car not meeting specifications (see § 173.31(a)(1)) is released back into transportation after unloading; same guideline amount. Guidelines vary with the type of commodity involved. In addition to the vapor pressure factor cited below, the RQ (reportable quantity) is a fair measure of the danger of a commodity to the environment. For RQ values ≤10, consider aggravating the penalties below by no less than 50 percent.	

	—Hazardous material with insignificant vapor pressure and without classification as “poison” or “inhalation hazard.”	2,000
	—With actual leak	5,000
	—With leak allowing the product to contact any human being	15,000
	—Hazardous material with vapor pressure (essentially any gas or compressed gas) and/or with classification as “poison” or “inhalation hazard.”	5,000
	—With actual leak	7,500
	—With leak allowing the product (or fumes or vapors) to contact any human being. (In the case of fumes, the “contact” must be substantial.)	15,000
	—Where only violation is failure to secure a protective housing, e.g., the covering for the gaging device	1,000
173.30	A general duty section that should be cited with the explicit statement of the duty.	
173.31(a)(1)	Use of a tank car not meeting specifications and the “Bulk packaging” authorization in Column 8 of the § 172.101 Hazardous Materials Table reference is:	
	§ 173.240	1,000
	§ 173.241	2,500
	§ 173.242	5,000
	§ 173.243	5,000
	§ 173.244	7,500
	§ 173.245	7,500
	§ 173.247	1,000
	§ 173.249	7,500
	§ 173.314	5,000
	§ 173.315	5,000
	§ 173.319	5,000
	§ 173.320	5,000
	§ 173.323	7,500

	—Minor defect not affecting the ability of the package to contain a hazardous material, e.g., no chain on a bottom outlet closure plug	500
	—Defect of greater importance, e.g., safety valve tested, but test date not stenciled on valve	1,000
	—Tank meets specification, but specification is not stenciled on car. § 179.1(e) implies that only the builder has the duty here, but it is the presence of the stencil that gives the shipper the right to rely on the builder. (See § 173.22(a)(3).)	1,000
	—Tank car not stenciled according to Appendix C of the Tank Car Manual. The sub-reference is to § 179.22 which requires each tank car to be marked in accordance with Appendix C of the Tank Car Manual. For example, Appendix 3.03(a)(5), requires marking of the tank “NOT FOR FLAMMABLE LIQUIDS” or “NOT FOR FLAMMABLE OR POISONOUS LIQUIDS.”	2,500
173.31(a)(2)	Tank cars and appurtenances used for a material not authorized on the certificate of construction (or by addendum on Association of American Railroads (AAR) form R-1)	7,500
173.31(a)(3)	Filling a tank car overdue for a periodic inspection with a hazardous material and then offering it for transportation. (Note: Offering a residue car, overdue for inspection, is not a violation; neither is filling the car—so long as it is not offered for transportation.) (Adjust penalty if less than one month or more than one year overdue.)	7,500
173.31(a)(4)	Use of tank car without air brake support attachments welded to pads.	5,000
173.31(a)(5)	Use of a tank car with a self-energized manway located below the liquid level of the lading	15,000

173.31(b)(1)	Use of DOT-specification tank car, or any tank car used for transportation of a hazardous material, without shelf couplers	10,000
	—Against a carrier, cite § 174.3 and this section.	6,000
173.31(b)(2)	Tank car with nonreclosing pressure relief device used to transport Class 2 gases, Class 3 or 4 liquids, or Division 6.1 liquids, PG I or II	7,500
	Tank car has a nonreclosing pressure relief device and the wrong pressure is stenciled on the tank. Cite this section where the standard in § 179.22(a) is not met and the respondent is other than the builder or manufacturer	1,000
	Where either the rupture disc is unmarked for pressure or manufacturer name or is marked but is of the wrong pressure. Cite this section for a violation of § 179.156(h) against other than the builder or manufacturer	5,000
173.31(b)(3)	Use of a tank car for the transportation of a hazardous material without the required tank-head protection. See paragraphs (b)(3)(iii) and (iv) for compliance periods.	
	—Class 2	10,000
	—Tank car constructed from aluminum or nickel plate	7,500
	—Against a carrier, cite § 174.3 and this section	6,000
173.31(b)(4)	Use of a tank car for the transportation of a Class 2 material without the required thermal protection. See paragraphs (b)(4)(i) for compliance periods	10,000
173.31(b)(5)	Use of a tank car for the transportation of a hazardous material without the required bottom-discontinuity protection. See the paragraph for compliance periods	5,000
173.31(b)(6)	Failure to submit a progress report to the FRA	2,500
173.31(c)	Use of a tank car with an incorrect tank test pressure	10,000

173.31(d)	Offering a tank car for transportation with a hazardous material, or a residue of a hazardous material, that is not in proper condition or that is unsafe for transportation. Sections 173.24(b) and (f) establish a “no-leak” design standard, and 173.31 imposes that standard on operations. In addition to the vapor pressure factor cited below, the RQ (reportable quantity) is a fair measure of the danger of a commodity to the environment. For RQ values ≤ 10 , consider aggravating the penalties below by no less than 50 percent. The unit of violation is the car, aggravated if necessary for truly egregious condition	5,000
	Loaded car:	
	—Failure to inspect the tank car, service equipment, or markings prior to offering the car for transportation.: If the failure to inspect resulted in a release of product, the appropriate penalty amount below applies	5,000
	—With actual leak of product	10,000
	—With actual leak allowing the product (or fumes or vapors) to contact any human being. (With safety vent, be careful because carrier might be at fault)	15,000
	—Minor violation, e.g., bottom outlet cap loose on tank car of molten sulfur (because product is a solid when shipped)	1,000
	Residue car: (The penalties are the same as in 173.29(a).)	
	Offering residue tank car for transportation when openings are not tightly closed (§ 173.29(a) is also applicable for tank cars) Guidelines vary with the type of commodity involved:	
	—Hazardous material with insignificant vapor pressure and without classification as “poison” or “inhalation hazard.”	2,000
	—With actual leak	5,000

	—With leak allowing the product to contact any human being	15,000
	—Hazardous material with vapor pressure (essentially any gas or compressed gas) and/or with classification as “poison” or “inhalation hazard.”	5,000
	—With actual leak	7,500
	—With leak allowing the product (or fumes or vapors) to contact any human being. (In the case of “fumes,” the “contact” must be substantial.)	15,000
	Whether loaded or residue:	
	—Where the only violation is the failure to secure a protective housing, e.g., the covering for the gaging device	1,000
	—Where “other conditions” than a loose closure make a tank car not “in proper condition for transportation” (e.g., loose ladders, seals thrown into safety valves, etc.)	2,500 (Varies to account for seriousness).
173.31(e)(1)	Tank car with interior heating coils used to transport Division 2.3 or Division 6.1, PG I, based on inhalation toxicity	7,500
173.31(e)(2)	Use of a tank car for a material poisonous by inhalation that does not meet the minimum specification i.e., 300 pound tank test pressure, head protection, and a metal jacket.) See the paragraph for the compliance dates	10,000
173.31(f)	Use of a tank car for a “listed” hazardous substance that does not meet the minimum specification (i.e., 200 pound tank test pressure, head protection, and a metal jacket.): See the paragraph for the compliance dates and § 173.31(f)(2) for the list of hazardous substances	5,000
173.31(g)(1)	Unloading a tank car without securing access to the track to prevent entry by other rail equipment. Derails, lined and blocked switches, or other equipment that provides equivalent level of security is acceptable	4,000

173.31(g)(2)	Unloading a tank car without caution signs properly displayed. (See Part 218, Subpart B)	2,000
173.31(g)(3)	Unloading without brakes set and/or wheels blocked. (The enforcement standard, as per 1995 Hazardous Materials Technical Resolution Committee, is that sufficient handbrakes must be applied on one or more cars to prevent movement and each car with a handbrake set must be blocked in both directions. The unloading facility must make a determination on how many brakes to set.)	
	—No brakes set, no wheels blocked, or fewer brakes set/wheels blocked than facility's operating plan	5,000
	—No brakes set, but wheels blocked	3,000
	—Brakes set, but wheels not blocked	4,000
173.32(a)(1)	Using a portable tank for transportation of hazardous materials, when tank does not meet regulatory requirements. (For loose closures or leaks on portable tanks use 173.24.)	5,000
173.32(a)(2)	Filling and offering portable tank when periodic test or inspection overdue	5,000
Gases; Preparation and Packaging:		
173.314(c)	Compressed gas loaded in excess of filling density (same basic concept as insufficient outage)	6,000
173.314(e) through (o)	Failure to comply with a special requirement for a compressed gas	5,000
PART 174—CARRIAGE BY RAIL		
General Requirements:		
174.3	Acceptance of improperly prepared shipment. This general duty section shall be accompanied by a citation to the specific section violated.	

174.9	<p>Failure to properly inspect a rail car containing a hazardous material when accepted for transportation or placed in a train: The carrier shall inspect the rail car, at ground level, for required markings, labels, placards, securement of closures and leakage. The inspection may be performed in conjunction with the inspections required under parts 215 and 232. This requirement will not “trigger” an inspection and thereby require a train to be stopped. For example, in run-through train operations, the train crew of the receiving railroad simply assumes responsibility for the train from the delivering crew. Acceptance of responsibility includes the right to receive a penalty action for transporting a rail car with a non-complying condition. Note also that the presence of a non-complying condition by itself does not prove that there was a failure to inspect. See also § 174.50 for violations against the carrier for loose (visible from ground level) closures on cars</p>	For loaded car 5,000.For residue car 2,000.
174.14	Failure to expedite: Violation of “48-hour rule.”	2,500
General Operating Requirements	<p>This subpart (subpart B) of part 174 has two sections referring to shipment documentation: § 174.24 relating to <i>accepting</i> documents, and § 174.26 relating to movement documents in the <i>possession</i> of the train crew. Only the most relevant section should be cited. In most cases, the unit of violation is the shipment, although where a unified consist is used to give notice to the crew, there is some justification for making it the train, especially where the discrepancy was generated using automated data processing and the error is repetitious.</p>	

174.24(a)	Accepting hazardous material shipment without properly prepared shipping paper. (The carrier's duty extends only to the document received, that is, a shipment of hazardous material in a non-placarded transport vehicle with a shipping paper showing other than a hazardous material is not a violation against the carrier unless knowledge of the contents of the vehicle is proved. Likewise, receipt of a tank car placarded for Class 3 with a shipping paper indicating a flammable liquid does not create a carrier violation if the car, in fact, contains a corrosive. On the other hand, receipt of a placarded trailer with a shipping paper listing only FAK (“freight-all-kinds”), imposes a duty on the carrier to inquire further and to reject the shipment if it is improperly billed.)	
	—Improper hazardous material information that could cause delay or error in emergency response	7,500
	—Total absence of hazardous material information	5,000
	—Technical errors, not likely to cause problems, especially with emergency response	1,000
	—Minor errors not relating to hazardous material emergency response, e.g., not listing an exemption number and the exemption is not one affecting emergency response	500
	Failure to include emergency response information is covered at §§ 172.600-172.604; while the normal unit of violation for movement documents is the whole document, failure to provide emergency response information is a separate violation.	
174.24(b)	Failure to retain shipping papers for one year. (Variation over a wide range is not unusual, depending upon circumstances.)	7,500

174.26(a)	Train crew does not have a document indicating position in train of each rail car containing a hazardous material. Routinely aggravate by 50% for Poison Gas, 2.3, and Explosives, 1.1 and 1.2. (Train is the unit of violation—this is generally going to be the consist list for a train.)	6,000
	Train crew has documents described above but they have not updated the document to account for delivery or pickup of car or cars. Penalty amount may vary depending on the number of cars not listed or out of place, the number of places the cars are off, the type of commodity in the car, and the potential effects on safe handling of the cars or emergency response. (Each failure to update is a separate unit of violation—if the crew picked up one cut of cars and failed to update the document, that would be one unit of violation. The “update” requirement only matures when the crew has placed the cars into the train—or removed them from the train—re-laced the air hoses, and are ready to depart.)	2,000 to 4,000.
174.26(b)	Improper paperwork in possession of train crew. (Shipment is unit of violation, although there is justification for making it the train if a unified consist [e.g. one that shows both train car order and hazmat information] is used to carry this information and the violation is a pattern one throughout all, or almost all, of the hazardous material shipments. For intermodal traffic, “shipment” can mean the container or trailer—e.g., a UPS trailer with several non-disclosed hazardous material packages would be one unit.)	
	—Information on the document possessed by the train crew is wrong to the extent that it caused or materially contributed to a reaction by emergency responders that aggravated the situation or caused or materially contributed to improper handling by the carrier that led to or materially contributed to a product release	15,000

	—Information is present and wrong, but without adverse emergency response effect (e.g. insignificant error in shipping name for the hazmat; name is incorrect but the emergency response would be the same)	3,000
	—Total lack of hazardous material information on movement document. (Some shipping names alone contain sufficient information to reduce the guideline to the next lower level, but there may be such dangerous products that aggravation needs to be considered.)	7,500
	—Some information is present but the error(s) could cause mishandling by the carrier or a delay or error in emergency response. Includes missing RESIDUE description required by § 172.203(e)(2)	5,000
	—Improper information, but the hazardous material are small shipments (e.g., UPS moves) and PG III (e.g., the “low hazard” material allowed in TOFC/COFC service without an exemption since HM-197)	3,000
	—Lack of emergency response phone number	4,000
	—Technical defect or minor error not likely to cause delay or error in emergency response or carrier handling	500-1,000.
174.50	Forwarding a bulk packaging (e.g. a tank car) that no longer conforms to the hazmat regulations without first repairing the defect. This includes such non-conforming conditions as loose closures visible from ground level (e.g. loose bottom outlet caps), improper stenciling or marking	For loaded car 5,000.For residue car 2,000.
	—Forwarding a leaking, or non-conforming non-bulk package containing a hazardous material without repair or over-packing	5,000

	—Forwarding a leaking bulk package beyond the movement “as necessary to reduce or to eliminate an immediate threat * * *.” Consider mitigation for low hazard HM (e.g., HOT) and for bulk packages smaller than tank cars	10,000
	—Loss of product resulted in human contact because of improper carrier handling	15,000
	—Failure to obtain movement approval from the FRA for the transportation of a bulk packaging that no longer conforms to the regulations	7,500
	—Failure to follow directives in a movement approval	5,000
	—Failure to report corrective actions (or any other reporting requirement in the movement approval)	5,000
General Handling and Loading Requirements:		
174.55	Failure to block and brace as prescribed. (See also §§ 174.61, 174.63, 174.101, 174.112, 174.115; where these more specific sections apply, cite them.) Note: The regulatory requirement is that hazardous material packages be loaded and securely blocked and braced to prevent the packages from changing position, falling or sliding into each other. If the load is tight and secure, pieces of lumber or other material may not be necessary to achieve the “tight load” requirement.	
	—General failure to block and brace	5,000
	—Inadequate blocking and bracing (an attempt was made but blocking/bracing was insufficient)	2,500
	—Inadequate blocking and bracing leading to a leak	7,500
	—Inadequate blocking and bracing leading to a leak and human being contact	15,000
174.59	Other specific placarding and marking sections may also be applicable.	

	<p>Marking and placarding. A railroad's placarding duties are to <i>not</i> accept a car without placards [§ 172.508(b)], and to <i>not</i> transport a car without placards [§ 174.59]. At each inspection point, a railroad must determine that all placards are in place. [§ 174.9]. The “next inspection point” replacement requirement in this section refers to placards that disappear <i>between</i> inspection points. A car at an inspection point must be placarded because it is “in transportation” [49 U.S.C. 5102(12)], even if held up at that point. Because the statute creates civil penalty liability only if a violation is “knowing,” that is, “a reasonable person knew or should have known that an act performed by him was in violation of the HMR,” and because railroads are not under a duty to inspect hazardous material cars merely standing in a yard, <i>violations written for unplacarded cars in yards must include proof that the railroad knew about the unplacarded cars and took no corrective action within a reasonable time.</i> (Note also that the real problem with unplacarded cars in a railyard may be a lack of emergency response information, §§ 172.600-172.604, and investigation may reveal that those sections should be cited instead of this one.)</p>	
	—Complete failure to placard or to replace missing placards	7,500
	—One placard missing (per car). (Add \$1,000 per missing placard up to a total of three; then use the guideline above)	1,000
	<p>For other placarding violations, see §§ 172.500-.560 and determine if one of them more correctly states the violation. For marking violations, see §§ 172.300-.338 and determine if one of them more correctly states the violation. Note that marking violations, except for the UN number, are generally applicable to the shipper/offeror.</p>	
174.61	<p>Improper transportation of transport vehicle or freight container on flat car. (If improper lading restraint is the violation, see § 174.55; if improper restraint of a bulk packaging inside a closed transport vehicle is the violation, see § 174.63(b).)</p>	3,000

174.63(a) and (c)	—Improper transportation of portable tank or other bulk packaging in TOFC/COFC service	3,000
	—Portable tank double stacked with container above or below. (§ 174.63(c)(5)(i).)	5,000
	—Portable tank transported in a well car with its outlet valve facing inward. (§ 174.63(c)(5)(ii).)	3,000
	—Portable tank transported without securement fittings engaged and locked or void filling devices not properly deployed	5,000
	—Improper transportation leading to a release of product	7,500
	—Improper transportation leading to a release and human being contact	15,000
174.63(b)	Improper securement of bulk packaging inside enclosed transport vehicle or freight container.	
	—General failure to secure	5,000
	—Inadequate securement (an attempt to secure was made but the means of securement were inadequate)	2,500
	—Inadequate securement leading to a leak	7,500
	—Inadequate securement leading to a leak and human being contact	15,000
174.63(e)	Transportation of cargo tank or multi-unit tank car tank in TOFC or COFC service without authorization and in the absence of an emergency	7,500

174.67(a)(1)	<p>Tank car transloading operations performed by persons not properly instructed (case cannot be based on inference). (Note: for all transloading requirements, there must be clear evidence that the hazmat shipment is continuing in transportation by another mode. For example, shipping papers show another destination than the one where the tank car is being unloaded/transloaded, and the contents of the tank car are being transloaded into a highway tank truck. Otherwise, the tank car unloading requirements contained in section 173.31(g) apply)</p>	5,000
174.67(a)(2)	<p>Unloading/transloading hazmat without brakes set and/or wheels blocked. (The enforcement standard, as per 1995 Hazardous Materials Technical Resolution Committee, is that sufficient handbrakes must be applied on one or more cars to prevent movement and each car with a handbrake set must be blocked in both directions. The unloading facility must make a determination on how many brakes to set.)</p>	
	—No brakes set, no wheels blocked, or fewer brakes set/wheels blocked than facility's operating plan	5,000
	—No brakes set, but wheels blocked	3,000
	—Brakes set, but wheels not blocked	4,000
174.67(a)(3)	<p>Unloading/transloading without securing access to the track to prevent entry by other rail equipment. Derails, lined and blocked switches, or other equipment that provides equivalent level of security is acceptable</p>	4,000
174.67(a)(4)	<p>Unloading/transloading without caution signs properly displayed. (See Part 218, Subpart B)</p>	2,000

174.67(a)(5)	Failure of transloading facility to maintain written safety procedures (such as those it may already be required to maintain pursuant to the Department of Labor's Occupational Safety and Health Administration requirements in 29 CFR 1910.119 and 1910.120) in a location where they are immediately available to hazmat employees responsible for the transloading operation	2,500
174.67(c)(2)	Failure to use non-metallic block to prop manway cover open while unloading through bottom outlet.	
	—Flammable or combustible liquid, or other product with a vapor flash point hazard	3,000
	—Material with no vapor flammability hazard	500
174.67(h)	Insecure unloading connections, resulting in actual leak of product	10,000
	Insecure unloading connections, no leak of product	5,000
174.67(i)	Unattended/unmonitored unloading. Tank car must be attended by a designated employee or monitored by a signaling system	5,000
174.67(j)	Noncompliance with piping requirements	2,000
174.67(k)	Failure to comply with requirements for leaving tank car unloading connections attached.	
	—Hazardous material with insignificant vapor pressure and without classification as “poison” or “inhalation hazard.” (One count can be assessed for each element not followed. May also assess per tank car if more than one is involved in violation).	2,000
	—With actual leak	5,000
	—With leak allowing the product to contact any human being	15,000
	—Hazardous material with vapor pressure (essentially any gas or compressed gas) and/or with classification as “poison” or “inhalation hazard.”	5,000
	—With actual leak	7,500

	—With leak allowing the product (or fumes or vapors) to contact any human being). Contact with “fumes” must be substantial	15,000
174.67(l)	Failure to remove connections, tighten all valves with a “suitable tool” and tighten all other closures once unloading is complete	2,000
174.81	—Failure to obey segregation requirements for materials forbidden to be stored or transported together. (“X” in the table)	6,000
	—Failure to obey segregation requirements for materials that must be separated to prevent commingling in the event of a leak. (“O” in the table)	4,000
Handling of Placarded Rail Cars, Transport Vehicles and Freight Containers:		
174.83(a)	Improper switching of placarded rail cars	5,000
174.83(b)	Improper switching of loaded rail car containing Division 1.1/1.2, 2.3 PG I Zone A, or Division 6.1 PG I Zone A, or DOT 113 tank car placarded for 2.1	8,000
174.83(c)-(e)	Improper switching of placarded flatcar	5,000
174.83(f)	Switching Division 1.1/1.2 without a buffer car or placement of Division 1.1/1.2 car under a bridge or alongside a passenger train or platform	8,000
174.84	Improper handling of Division 1.1/1.2, 2.3 PG I Zone A, 6.1 PG I Zone A in relation to guard or escort cars	4,000
174.85	Improper Train Placement (The unit of violation under this section is the car. Where more than one placarded car is involved, e.g., if two (2) placarded cars are too close to the engine, both are violations. Where both have a similar violation, e.g., a Division 1.1 car next to a loaded tank car of a Class 3 material, each car gets the appropriate penalty as listed below)	
	RESIDUE car without at least 1 buffer from engine or occupied caboose	3,000

	Placard Group 1—Division 1.1/1.2 materials (Class A explosive) See chart at § 174.85.	
	—Fewer than six (6) cars (where train length permits) from engine or occupied caboose	8,000
	—As above but with at least one (1) buffer	7,000
	—No buffer at all (where train length doesn't permit five (5) cars)	8,000
	—Next to open top car or car with permanent bulkheads, where lading extends beyond car ends/bulkheads or, if shifted, would be beyond car ends/bulkheads	7,000
	—Next to loaded flat car, except closed TOFC/COFC equipment, auto carriers, specially equipped car with tie-down devices	6,000
	—Next to operating temperature-control equipment or internal combustion engine in operation	7,000
	—Next to placarded car, except one from same placard group or COMBUSTIBLE	7,000
	Placard Group 2—Division 1.3/1.4/1.5 (Class B and C explosives); Division 2.1/2.2 (compressed gas, other than Division 2.3, PG 1 Zone A; Class 3 (flammable liquids); Class 4 (flammable solid); Class 5 (oxidizing materials); Class 6 (poisonous liquids), except 6.1 PG 1 Zone A; Class 8 (corrosive materials). See chart at § 174.85.	
	For tank cars:	
	—Fewer than six (6) cars (where train length permits) from engine or occupied caboose	6,000
	—As above but with at least one (1) buffer	5,000
	No buffer at all (where train length doesn't permit five (5))	6,000

	—Next to open top car or car with permanent bulkheads, where lading extends beyond car ends/bulkheads or, if shifted, would be beyond car ends/bulkheads	5,000
	—Next to loaded flat car, except closed TOFC/COFC equipment, auto carriers, specially equipped car with tie-down devices	5,000
	—Next to operating temperature-control equipment or internal combustion engine in operation	5,000
	—Next to placarded car, except one from same placard group or COMBUSTIBLE	5,000
	For other rail cars:	
	—Next to placarded car, except one from same placard group or COMBUSTIBLE	5,000
	Placard Group 3—Divisions 2.3 (PG 1 Zone A; poisonous gases) and 6.1 (PG 1 Zone A; poisonous materials).	
	For tank cars:	
	—Fewer than six (6) cars (where train length permits) from engine or occupied caboose	8,000
	—As above but with at least one (1) buffer	7,000
	No buffer at all (where train length doesn't permit five (5))	8,000
	—Next to open top car or car with permanent bulkheads, where lading extends beyond car ends/bulkheads or, if shifted, would be beyond car ends/bulkheads	7,000
	—Next to loaded flat car, except closed TOFC/COFC equipment, auto carriers, specially equipped car with tie-down devices	6,000
	—Next to operating temperature-control equipment or internal combustion engine in operation	7,000
	—Next to placarded car, except one from same placard group or COMBUSTIBLE	7,000

	For other rail cars:	
	—Next to placarded car, except one from same placard group or COMBUSTIBLE	5,000
	Placard Group 4—Class 7 (radioactive) materials	
	For rail cars:	
	—Next to locomotive or occupied caboose	8,000
	—Next to placarded car, except one from same placard group or COMBUSTIBLE	5,000
	—Next to carload of undeveloped film	3,000
174.86	Exceeding maximum allowable operating speed (15 mph) while transporting molten metals or molten glass	3,000
Class 1 (Explosive) Materials:		
174.101(o)(4)	Failure to have proper explosives placards on flatcar carrying trailers/containers placarded for Class 1. (Except for a complete failure to placard, the unit of violation is the placard.)	
	—Complete failure to placard	7,500
	—One placard missing (add \$1,000 per missing placard up to a total of three, then use the guideline above)	1,000
174.104(b)	Car used to transport Division 1.1 or 1.2 materials does not meet requirements. (Aggravation to be considered, and may be considerable, for multiple failures to meet requirements.)	5,000
174.104(c)	Failure to inspect and certify car before placing for loading with Division 1.1 or 1.2 materials	7,500
174.104(e)	Failure to supervise the loading and securement of a container (of Division 1.1 or 1.2 materials) on a flat car and failure to certify the car. (Unit of violation is the container.)	5,000
174.104(f)	Failure to retain car certificates at “forwarding station.”	1,000
	Failure to attach car certificates to car. (Unit of violation is the certificate, two (2) are required.)	1,000

Detailed Requirements for Class 2 (Gases) Materials:		
174.204	Improper tank car delivery of gases (Class 2 materials)	3,000
Detailed Requirements for Class 3 (Flammable Liquid) Materials:		
174.304	Improper tank car delivery of flammable liquids (Class 3 materials)	3,000
Detailed Requirements for Division 6.1 (Poisonous) Materials:		
174.600	Improper tank car delivery of materials extremely poisonous by inhalation (Division 2.3 Zone A or 6.1 Zone A materials)	5,000
PART 178—SPECIFICATIONS FOR PACKAGINGS		
178.2(b)	Package not constructed according to specifications—also cite specific section not complied with.	
	—Bulk packages, including portable tanks	8,000
	—55-gallon drum	2,500
	—Smaller package	1,000
PART 179—SPECIFICATIONS FOR TANK CARS		
179.1(e)	Tank car not constructed according to specifications—also cite section not complied with. (Part 179 violations are against the builder or repairer. Sections in this Part are often cited in conjunction with violations of §§ 172.330 and 173.31(a) and (b) by shippers. In such cases, the part 179 sections are cited as references, not as separate alleged violations.)	8,000

179.3	Constructing tank car without securing approval from Tank Car Committee	10,000
179.5(a)	Failure to furnish a Certificate of Construction before tank car is placed in service	7,500
179.6	Repair procedures not in compliance with Appendix R of the Tank Car Manual	10,000
179.7	<p>Section 179.7 requires that each tank car facility have a quality assurance (QA) program that encompasses at least the elements in § 179.7(b). A tank car facility is an entity that manufactures, repairs, inspects, tests, qualifies, or maintains a tank car to ensure that the tank car conforms to parts 179 and 180, or alters the certificate of construction of the car. As a rule, a facility “qualifies” a tank by “inspecting” it and then “representing” it as meeting the standard. In addition to the following penalty amounts, the agency may “recall” all tanks qualified by the tank car facility during the period the facility failed to comply with the quality assurance requirements. See, for example, § 180.509(b)(4).</p>	
	Total failure to have a quality assurance program	15,000
	Failure to perform activities as a tank car facility other than in accordance with the quality assurance program. See 180.509(l) for applicability to tank car maintenance activities. Note that failures to perform ministerial activities such as updating the pages in a quality assurance manual or calibrating an instrument carry a lesser penalty (e.g. \$2,500), unless they are the cause of a release or an injury or death	10,000
	The quality assurance program does not contain one or more of the elements in § 179.7(b). (The “element” is the unit of violation.)	7,500
	Failure to provide written procedures to its employees	7,500

	Use of an employee to perform nondestructive testing on a tank when that employee does not have the qualifications for that type of nondestructive testing	10,000
179.11	Use of an employee to perform welding on a tank when that employee does not have the qualifications for that type of welding procedure. Note: also reference §§ 179.100-9, 179.200-10, 179.220-10, 179.300-9, and 179.400-11 as appropriate	10,000
179.13	Tank cars may not be built or converted to exceed 34,500 gallons capacity or 263,000 pounds gross weight on rail. This is the building specification only; for tank cars loaded beyond capacity or gross weight see 173.26	Varies. See 173.26 for overloaded cars.
179.15	Pressure relief device (e.g. rupture disc) that does not conform to the requirements (loaded car). May also cite 173.31(d)	5,000
179.201-3(a)	Failure to properly line a rubber-lined tank car	7,500
179.201-3(b)	Three possible violations under this section:	5,000
	(1) Failure to produce report certifying that tank car and its equipment have been brought into compliance with specification. Must occur prior to lining tank car with rubber or rubber compound	
	(2) Failure of tank car liner to provide copy of report and certification that tank has been lined in compliance with specs to tank car owner	
	(3) Failure of tank car owner to retain reports of latest lining application until next re-lining has been accomplished and recorded	
PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS		

180	Part 180 prescribes the requirements applicable to any person that manufactures, fabricates, marks, maintains, repairs, inspects, or services tank cars to ensure that the tank cars are in proper condition for transportation. In addition to the following penalty amounts, the agency may “recall” all tanks qualified by the tank car facility during the period the facility failed to comply with the quality assurance requirements. See, for example, § 180.509(b)(4).	
180.505	This section brings the quality assurance requirements of § 179.7 (car construction) into the tank car maintenance arena. See § 179.7 for penalty guidelines, cite this section and reference the applicable paragraph(s) or subparagraph(s). No dual penalty will apply. (Part 180 applies the construction standards of Part 179 to service life maintenance and requalification of tank cars.)	
Tank car specific provisions:		
180.509(a)	Failure to comply with requirements for inspection and test.	
	—Failure to mark a car passing a periodic inspection and test	See § 180.515.
	—Failure to prepare written report for inspection and test performed under this section	See § 180.517.
180.509(b)	Failure to perform inspection and test when at least one of the qualifying conditions has been met	5,000
180.509(c)	Failure to perform inspection and test at specified interval	5,000
180.509(d)	Failure to properly perform visual inspection	7,500
180.509(e)	Failure to properly perform structural integrity inspection and test	10,000
180.509(f)	Failure to properly perform thickness test	10,000
180.509(h)	Failure to properly inspect safety systems	7,500
180.509(i)	Failure to properly perform lining and coating inspection and test	10,000
180.509(j)	Failure to properly perform leakage pressure test	7,500

180.509(l)	Failure to perform inspection and test in accordance with the quality assurance program. (Applies to all non-DOT specification tank cars as of July 1, 2000, but see § 180.509(l)(3) for “20-year” cars. See also § 179.7(f).)	10,000
180.513	Failure to repair the tank according to Appendix R of the AAR Tank Car Manual	10,000
	Use of an employee to perform welding on a tank when that employee does not have the qualifications for that type of welding procedure	10,000
180.515	Failure to mark the tank as required	7,500
180.517	Failure to report, record, and retain required documentation	7,500
Provisions for tank cars other than single unit tank car tanks:		
180.519(a)	Failure to retest at required interval	Cite 180.519(b)(5).
180.519(b)(1)	Failure to perform hydrostatic pressure/expansion test as required	7,500
180.519(b)(2)	Failure to perform interior air pressure test as required	7,500
180.519(b)(3)	Failure to test pressure relief valves as required	7,500
180.519(b)(4)	Failure to remove and inspect frangible discs and fusible plugs	5,000
180.519(b)(5)	Failure to retest at required interval	3,000
180.519(b)(6)	Failure to stamp tank as required	5,000
180.519(c)	Failure to visually inspect as required	5,000
	Failure to use competent persons to perform visual inspection	5,000
180.519(d)	Failure to record and retain documentation. Mitigate/aggravate depending on the extent of the violation	7,500

¹A person who knowingly violates the hazardous material transportation law or a regulation, order, special permit, or approval issued thereunder, is subject to a civil penalty of up to \$79,976 for each violation, except that the maximum civil penalty for a violation is \$186,610 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property; and a minimum \$481 civil penalty applies to a violation related to training. Each day that the violation continues is a separate offense. 49 U.S.C. 5123; 28 U.S.C. 2461, note.

[61 FR 38647, July 25, 1996, as amended at 69 FR 30591, May 28, 2004; 71 FR 77295, Dec. 26, 2006; 73 FR 72200, Nov. 26, 2008; 73 FR 79701, Dec. 30, 2008; 75 FR 43842, July 27, 2010; 77 FR 24419, Apr. 24, 2012; 78 FR 9847, Feb. 12, 2013; 81 FR 43104, 43109, July 1, 2016; 81 FR 16131, June 10, 2016; 83 FR 60745, Nov. 27, 2018]

Part 213—Schedule of Civil Penalties*(current as of May 23, 2019)*

Section	Violation	Willful Violation¹
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 alinement	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 alinement 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:		
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

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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

²In 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; 81 FR 43109, July 1, 2016; 83 FR 60746, Nov. 27, 2018]

Part 214—Schedule of Civil Penalties¹

(current as of May 23, 2019)

Section ²	Violation	Willful
Subpart B—Bridge Worker Safety Standards		
214.103 Fall protection:		
(i) Failure to provide fall protection	\$5,000	\$10,000
(ii) Failure to use fall protection		2,500
214.105 Standards and practices:		
(a) General:		
(1) Fall protection used for other purposes	2,500	5,000
(2) Failure to remove from service	2,500	5,000
(3) Failure to protect from deterioration	2,500	5,000
(4) Failure to inspect and remove	5,000	10,000
(5) Failure to train	5,000	10,000
(6) Failure to provide for prompt rescue	5,000	10,000
(7) Failure to prevent damage	2,500	5,000
(8) Failure to use proper connectors	2,500	5,000
(9) Failure to use proper anchorages	2,500	5,000
(b) Fall arrest system:		
(1)-(17) Failure to provide conforming equipment	2,500	5,000
(c) Safety net systems:		
(1) Failure to install close to workplace	2,500	5,000
(2) Failure to provide fall arrest if over 30 feet	5,000	10,000
(3) Failure to provide for unobstructed fall	5,000	10,000
(4) Failure to test	2,500	5,000
(5) Failure to use proper equipment	2,500	5,000
(6) Failure to prevent contact with surface below	5,000	10,000
(7) Failure to properly install	5,000	10,000
(8) Failure to remove defective nets	5,000	10,000
(9) Failure to inspect	5,000	10,000
(10) Failure to remove objects	1,000	2,500
(11)-(13) Failure to use conforming equipment	2,500	10,000
214.107 Working over water:		
(a)(i) Failure to provide life vest	5,000	10,000

(ii) Failure to use life vest		1,500
(c) Failure to inspect	2,500	5,000
(e)(i) Failure to provide ring bouys	5,000	10,000
(ii) Failure to use ring bouys		1,500
(f)(i) Failure to provide skiff	1,000	2,500
(ii) Failure to use skiff		1,500
214.109 Scaffolding:		
(a)-(f) Failure to provide conforming equipment	2,500	5,000
214.113 Head protection:		
(a)(i) Failure to provide	2,500	5,000
(ii) Failure to use		1,500
(b) or (c) Failure to provide conforming equipment	2,500	5,000
214.115 Foot protection:		
(a)(i) Failure to require use of	2,500	5,000
(ii) Failure to use		1,500
214.117 Eye and face protection:		
(a)(i) Failure to provide	2,500	5,000
(ii) Failure to use		1,500
(b) Failure to use conforming equipment	2,500	5,000
(c) Use of defective equipment	2,500	5,000
(d) Failure to provide for corrective lenses	2,500	5,000
Subpart C—Roadway Worker Protection Rule		
214.303 Railroad on-track safety programs, generally:		
(a) Failure of a railroad to implement an On-track Safety Program	10,000	20,000
(b) Failure of a railroad to include and use internal monitoring procedure	5,000	10,000
214.305 Compliance Dates:		
Failure of a railroad to comply by the specified dates	5,000	10,000
214.307 On-track safety programs:		
(a)(i) Failure to adopt On-Track Safety Program	10,000	13,000
(ii) Failure to provide On-track Safety Program to FRA upon request	1,000	5,000
(b) Failure to notify FRA of adoption or change to On-Track Safety Program	1,000	5,000
(c) Failure to amend or provide written response after disapproval of On-track Safety Program	10,000	20,000
214.309 On-track safety manual:		
(a) On-track Safety Manual not provided to prescribed employees	2,000	5,000

(b) Failure to establish provision for lone worker to have alternative access to On-track Safety Manual	5,000	10,000
(c) Failure to maintain entire set of on-track safety rules and instructions, including updates temporarily published in bulletins or notices, in one On-Track Safety Manual	2,000	5,000
214.311 Responsibility of employers:		
(b) Roadway worker required by employer to foul a track during an unresolved challenge	5,000	10,000
(c) Roadway workers not provided with written procedure to resolve challenges of on-track safety procedures	5,000	10,000
214.313 Responsibility of individual roadway workers:		
(b) Roadway worker fouling a track when not necessary in the performance of duty		1,000
(c) Roadway worker fouling a track without ascertaining that provision is made for on-track safety		1,500
(d) Roadway worker failing to notify employer of determination of improper on-track safety provisions		3,000
214.315 Supervision and communication:		
(a)(1) Complete failure of employer to provide on-track safety job briefing	5,000	10,000
(2)-(5) Partial failure of employer to provide on-track safety job briefing	2,000	4,000
(b) Incomplete job briefing	2,000	5,000
(c)(i) Failure to designate roadway worker in charge of roadway work group	2,000	5,000
(ii) Designation of more than one roadway worker in charge of a roadway work group	1,000	2,000
(iii) Designation of non-qualified roadway worker in charge of roadway work group	3,000	6,000
(d)(i) Failure to notify roadway workers of on-track safety procedures in effect	3,000	6,000
(ii) Incorrect information provided to roadway workers regarding on-track safety procedures in effect	3,000	6,000
(iii) Failure to notify roadway workers of change in on-track safety procedures	3,000	6,000
(e)(i) Failure of lone worker to communicate with designated employee for daily job briefing		1,500
(ii) Failure of employer to provide means for lone worker to receive daily job briefing	3,000	6,000
214.317 On-track safety procedures, generally:		
(a) On-track safety rules conflict with this part	5,000	10,000
(b) Failure to adopt or comply with rules governing safe crossing of track	2,000	5,000
(3) Failure to establish on-track safety if required	2,000	5,000
(c)(1) Failure to adopt or comply with operating procedure if this section is utilized in lieu of establishing working limits	3,000	5,000
(2) Failure to grant absolute right to establish working limits if requested by RWIC or lone worker	3,000	5,000
(3) Except as permitted, roadway worker fouling track without on-track safety	3,000	5,000
(4) Roadway maintenance machine not properly equipped or utilized	3,000	5,000
(d)(1) Failure to inspect tunnel niche or clearing bay	3,000	5,000
(2) Lack of adequate sight distance	3,000	5,000

(3) Failure to grant absolute right to establish other place of safety or to establish working limits if requested by RWIC or lone worker	5,000	10,000
214.318 Locomotive servicing and car shop repair track areas:		
(a)-(c)	3,000	5,000
214.319 Working limits, generally:		
(a)(1) Non-qualified RWIC of working limits	5,000	10,000
(a)(2) More than one RWIC of working limits on the same track segment	2,000	5,000
(a)(3)(i) Working limits released without notifying all affected roadway workers	5,000	10,000
(a)(3)(ii) Working limits released before all affected roadway workers are otherwise protected	5,000	10,000
(b)(1) Failure to adopt redundant protections in on-track safety program	5,000	10,000
(b)(2) Failure to comply with redundant protections identified in on-track safety program when controlled track working limits are established	5,000	10,000
214.320 Roadway maintenance machine movements over signalized non-controlled track	5,000	7,500
214.321 Exclusive track occupancy:		
(b) Improper transmission of authority for exclusive track occupancy	2,000	5,000
(b)(1) Failure to repeat authority for exclusive track occupancy to issuing employee		1,500
(2) Failure to retain possession of written authority for exclusive track occupancy		1,000
(3) Failure to record authority for exclusive track occupancy when issued		2,000
(4)(i) Failure to specify unique roadway work group number, employee name, or unique identifier	3,000	5,000
(ii) Failure to adopt procedure requiring precise communication between RWIC or lone worker and trains or other on-track equipment	3,000	5,000
(c) Limits of exclusive track occupancy not identified by proper physical features	2,000	4,000
(d)(1) Movement authorized into limits of exclusive track occupancy without authority of roadway worker in charge	5,000	10,000
(2) Movement authorized within limits of exclusive track occupancy without authority of roadway worker in charge	5,000	10,000
(3) Movement within limits of exclusive track occupancy exceeding restricted speed without authority of roadway worker in charge	5,000	10,000
(e)(1)-(4) Failure to comply with occupancy behind requirements	5,000	10,000
214.322 Exclusive track occupancy, electronic display:		
(a) Contents of authority electronically displayed not readily viewable	3,000	5,000
(b) Failure to timely obtain written/printed authority or occupy place of safety if electronic display fails while authority is in effect	3,000	5,000
(c)-(h)	2,000	4,000

214.323 Foul time:		
(a) Foul time authority overlapping movement authority of train or equipment	5,000	10,000
(b) Failure to repeat foul time authority to issuing employee		1,500
(c) Train dispatcher or control operator permitting movement of trains or other on-track equipment into working limits prior to RWIC reporting clear of track	5,000	10,000
(d) RWIC permitting movement of trains or on-track equipment into or within working limits	5,000	10,000
214.325 Train coordination:		
(a) Train coordination limits established where more than one train is authorized to operate	1,500	4,000
(b)(1) Train coordination established with train not visible to roadway worker at the time		1,500
(2) Train coordination established with moving train		1,500
(3) Coordinated train moving without authority of roadway worker in charge	2,000	5,000
(4) Coordinated train releasing movement authority while working limits are in effect	3,000	6,000
214.327 Inaccessible track:		
(a) Improper control of entry to inaccessible track	3,000	6,000
(5) Remotely controlled switch not properly secured by control operator	3,000	6,000
(b) Train or equipment moving within inaccessible track limits without permission of roadway worker in charge	3,000	6,000
(c) Unauthorized train or equipment located within inaccessible track limits	2,000	5,000
214.329 Train approach warning provided by watchmen/lookouts:		
(a)(i) Failure to give timely warning of approaching train	5,000	10,000
(ii) Failure to use maximum authorized speed in formulating sight distance	3,000	5,000
(iii) Use of another track as a place of safety without establishing working limits on that track	3,000	5,000
(b)(1) Failure of watchman/lookout to give full attention to detecting approach of train		3,000
(2) Assignment of other duties to watchman/lookout	3,000	5,000
(c) Failure to provide proper warning signal devices	2,000	5,000
(d) Failure to maintain position to receive train approach warning signal		2,000
(e) Failure to communicate proper warning signal	1,500	3,000
(f)(1) Assignment of non-qualified person as watchman/lookout	3,000	5,000
(2) Non-qualified person accepting assignment as watchman/lookout		1,500
(g) Failure to properly equip a watchman/lookout	2,000	4,000
214.331 Definite train location:		
(a) Definite train location established where prohibited	3,000	5,000
(b) Failure to phase out definite train location by required date	3,000	5,000
(d)(1) Train location information issued by unauthorized person	2,000	5,000

(2) Failure to include all trains operated on train location list	3,000	5,000
(5) Failure to clear a by ten minutes at the last station at which time is shown		2,000
(6) Train passing station before time shown in train location list	3,000	5,000
(7) Non-qualified person using definite train location to establish on-track safety	2,000	3,000
(e) Failure to discontinue use of definite train location by required date	9,500	13,000
214.333 Informational line-ups of trains:		
(a) Informational line-ups of trains used for on-track safety where prohibited	3,000	5,000
(b) Informational line-up procedures inadequate to protect roadway workers	5,000	10,000
(c) Failure to discontinue informational line-ups by required date	5,000	10,000
214.335 On-track safety procedures for roadway work groups :		
(a) Failure to provide on-track safety for a member of a roadway work group	3,000	5,000
(b) Member of roadway work group fouling a track without authority of employee in charge		2,000
214.336 On-track safety procedures for certain roadway work groups and adjacent tracks:		
(a)(1) Failure to establish on-track safety for each adjacent controlled track as required under this section	5,000	10,000
(2) Failure to implement the more restrictive procedure required by paragraph (b) during special circumstance of concurrent movement(s) on two adjacent controlled tracks where one movement is authorized or permitted at a speed over 25 mph (or over 40 mph for a passenger movement)	1,500	3,000
(b)(1) Failure of roadway worker to cease work and occupy a predetermined place of safety upon receiving a warning or notification of train or other on-track equipment movement(s) on an adjacent controlled track	5,000	10,000
(2) Resumption of work before trailing-end of all applicable movements has passed the roadway worker	5,000	10,000
(c) Failure to maintain 25-foot spacing between on-track, self-propelled equipment or coupled equipment and roadway worker(s) on the occupied track during an adjacent-controlled-track movement at 25 mph or less	2,000	4,000
(d) Failure to implement on-track safety procedures on an adjacent track when deemed necessary by the roadway worker in charge of providing on-track safety for a roadway work group	2,000	4,000
(e)	1	1
(f) Roadway maintenance machine component fouling an adjacent controlled track without working limits or with movements permitted within working limits	5,000	10,000
214.337 On-track safety procedures for lone workers:		
(b) Failure by employer to permit individual discretion in use of individual train detection	5,000	10,000
(c)(1) Individual train detection used by non-qualified employee	2,000	4,000

(2) Use of individual train detection while engaged in heavy or distracting work		2,000
(3) Use of individual train detection in controlled point or manual interlocking		2,000
(4) Use of individual train detection with insufficient visibility		2,000
(5) Use of individual train detection with interfering noise		2,000
(6) Use of individual train detection while a train is passing		3,000
(d) Failure to maintain access to place of safety clear of live tracks		2,000
(e) Lone worker unable to maintain vigilant lookout		2,000
(f)(1) Failure to prepare written statement of on-track safety		1,500
(2) Incomplete written statement of on-track safety		1,000
(3) Failure to produce written statement of on-track safety to FRA		1,500
(g) Use of individual train detection while using machine, equipment, or material that cannot be readily removed by hand	2,000	4,000
214.339 Audible warning from trains:		
(a)-(b) Failure to adopt or comply with audible warning procedures	2,000	4,000
214.341 Roadway maintenance machines:		
(a) Failure of on-track safety program to include provisions for safety near roadway maintenance machines	3,000	5,000
(b) Failure to provide operating instructions	2,000	4,000
(1) Assignment of non-qualified employee to operate machine	2,000	5,000
(2) Operator unfamiliar with safety instructions for machine	2,000	5,000
(3) Roadway worker working with unfamiliar machine	2,000	5,000
(c) Roadway maintenance machine not clear of passing trains	3,000	6,000
214.343 Training and qualification, general:		
(a)(1) Failure of railroad program to include training provisions	5,000	10,000
(2) Failure to provide initial training	3,000	6,000
(b) Failure to provide annual training	2,500	5,000
(c) Assignment of non-qualified railroad employees to provide on-track safety	4,000	8,000
(d)(1) Failure to maintain records of qualifications	2,000	4,000
(2) Incomplete records of qualifications	1,000	3,000
(3) Failure to provide records of qualifications to FRA	2,000	4,000
214.345 Training for all roadway workers		
214.347 Training and qualification for lone workers		
214.349 Training and qualification of watchmen/lookouts		

214.351 Training and qualification of flagmen		
214.353 Training and qualification of roadway workers in charge	2,000	4,000
214.355 Training and qualification in on-track safety for operators of roadway maintenance machines		
Subpart D—On-Track Roadway Maintenance Machines and Hi-Rail Vehicles		
214.503 Good-faith challenges; procedures for notification and resolution:		
(a) Failure of employee to notify employer that the machine or vehicle does not comply with this subpart or has a condition inhibiting safe operation		4,000
(b) Roadway worker required to operate machine or vehicle when good-faith challenge not resolved	5,000	10,000
(c) Failure of employer to have or follow written procedures to resolve good-faith challenges	5,000	10,000
214.505 Required environmental control and protection systems for new on-track roadway maintenance machines with enclosed cabs:		
(a) Failure to equip new machines with required systems	5,000	10,000
(b) Failure of new or existing machines to protect employees from exposure to air contaminants	5,000	10,000
(c) Failure of employer to maintain required list of machines or make list available	2,000	4,000
(d) Removal of “designated machine” from list before retired or sold	2,000	4,000
(e) Personal respiratory protective equipment not provided when ventilation system fails	5,000	10,000
(f) Personal respiratory protective equipment fails to meet required standards	5,000	10,000
(g) Other new machines with enclosed cabs not equipped with operable heating and ventilation systems	5,000	10,000
(h) Non-enclosed station not equipped with covering, where feasible	5,000	10,000
214.507 Required safety equipment for new on-track roadway maintenance machines:		
(a)(1)-(5) Failure to equip new machine or provide protection as specified in these paragraphs	5,000	10,000
(a)(6)-(7) Failure to equip new machine with first-aid kit or operative and charged fire extinguisher	2,500	5,000
(b) Position for operator to stand not properly equipped to provide safe and secure position	5,000	10,000
(c) New machine not equipped with accurate speed indicator, as required.	2,500	5,000
(d) As-built light weight not conspicuously displayed on new machine	2,500	5,000
214.509 Required visual illumination and reflective devices for new on-track roadway maintenance machines	2,500	5,000
214.511 Required audible warning devices for new on-track roadway maintenance machines	5,000	10,000
214.513 Retrofitting of existing on-track roadway maintenance machines; general:		
(a) Failure to provide safe and secure position and protection from moving parts 2,000 4,000 inside cab for each roadway worker transported on machine	5,000	10,000
(b) Horn or other audible warning device is missing, inoperable, or has non-compliant triggering mechanism	2,500	5,000

(c) Illumination device or portable light missing, inoperable, improperly secured, or incapable of illuminating track as required	2,500	5,000
214.515 Overhead covers for existing on-track roadway maintenance machines:		
(a) Failure to repair, reinstall, or maintain overhead cover as required	5,000	10,000
(b) Failure to provide written response to operator's request within 60 days	2,000	4,000
214.517 Retrofitting of existing on-track roadway maintenance machines manufactured on or after January 1, 1991:		
(a) Failure to equip machine with change-of-direction alarm or rearward viewing device.	5,000	10,000
(b) Failure to equip machine with operative heater	5,000	10,000
(c) Failure to display light weight of machine as required	2,500	5,000
(d) Failure to equip machine with reflective material, reflective device, or operable brake lights	5,000	10,000
(e) Failure to install or replace safety glass as required	5,000	10,000
(f) Failure to equip machine with turntable restraint device or warning light as required	5,000	10,000
214.518 Safe and secure position for riders	5,000	10,000
214.519 Floors, decks, stairs, and ladders for on-track roadway maintenance machines	5,000	10,000
214.521 Flagging equipment for on-track roadway maintenance machines and hi-rail vehicles	2,500	5,000
214.523 Hi-rail vehicles:		
(a) Failure to inspect hi-rail gear annually	5,000	10,000
(b) Failure to maintain inspection record or make record available to FRA	2,000	4,000
(c) Failure to equip new hi-rail vehicle with alarm and light or beacon as required	2,500	5,000
(d)(2) Failure of operator to tag, date or report non-complying condition	2,000	4,000
(d)(3) Failure to repair or replace non-complying alarms, lights or beacons as required	2,500	5,000
214.525 Towing with on-track roadway maintenance machines or hi-rail vehicles	5,000	10,000
214.527 On-track roadway maintenance machines; inspection for compliance and schedule for repairs:		
(a) Failure of operator to check on-track roadway maintenance machine for compliance	2,000	4,000
(b) Failure of operator to tag, date, or report noncomplying condition	2,000	4,000
(c)(1)-(4) Failure to meet requirements for operating on-track roadway maintenance machine with non-complying headlights, work lights, horn, fire extinguisher, alarm, warning light, or beacon	2,500	5,000
(c)(5) Failure to repair or replace defective or missing operator's seat within required time period	5,000	10,000
214.529 In-service failure of primary braking system	5,000	10,000
214.531 Schedule of repairs; general	2,500	5,000
214.533 Schedule of repairs subject to availability of parts:		

(a)-(c) Failure to order necessary part(s), make repair(s), or remove on-track roadway maintenance machine or hi-rail vehicle from service as required	2,500	5,000
(d) Failure to maintain record or make record available to FRA	2,000	4,000

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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A. Failure to observe any condition(s) of an exception set forth in paragraph (e) of §214.336 deprives the railroad or contractor of the benefit of the exception and makes the railroad or contractor, and any responsible individuals, liable for penalty under the particular regulatory provision(s) from which the exception would otherwise have granted relief.

²The penalty schedule uses section numbers from 49 CFR part 214. 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.

[57 FR 28127, June 24, 1992, as amended at 61 FR 65981, Dec. 16, 1996; 63 FR 11620, Mar. 10, 1998; 68 FR 44412, July 28, 2003; 69 FR 8839, Feb. 26, 2004; 69 FR 30593, May 28, 2004; 73 FR 79701, Dec. 30, 2008; 77 FR 24419, Apr. 24, 2012; 76 FR 74615, Nov. 30, 2011; 79 FR 1770, Jan. 10, 2014; 81 FR 43109, July 1, 2016; 83 FR 60746, Nov. 27, 2018]

Part 215—Schedule of Civil Penalties¹

(current as of May 23, 2019)

Section	Violation	Willful violation
Subpart A—General:		
215.9 Movement for repair:		
(a), (c)	1	1
(b)	\$2,500	\$5,000
215.11 Designation of qualified persons	2,500	5,000
215.13 Pre-departure inspection	2,000	4,000
Subpart B—Freight Car Components:		
215.103 Defective wheel:		
(a) Flange thickness of:		
(1) 7/8" or less but more than 13/16"	2,500	5,000
(2) 13/16" or less	5,000	7,500
(b) Flange height of:		
(1) 1 1/2" or greater but less than 1 5/8"	2,500	5,000
(2) 1 5/8" or more	5,000	7,500
(c) Rim thickness of:		
(1) 1 1/16" or less but more than 5/8"	2,500	5,000
(2) 5/8" or less	5,000	7,500
(d) Wheel rim, flange plate hub width:		
(1) Crack of less than 1"	2,500	5,000
(2) Crack of 1" or more	5,000	7,500
(3) Break	5,000	7,500
(e) Chip or gouge in flange of:		
(1) 1 1/2" or more but less than 1 5/8" in length; and 1/2" or more but less than 5/8" in width.	2,500	5,000
(2) 1 5/8" or more in length; or 5/8" or more in width	5,000	7,500
(f) Slid flat or shelled spot(s):		
(1)(i) One spot more than 2 1/2", but less than 3", in length	2,500	5,000
(ii) One spot 3" or more in length	5,000	7,500
(2)(i) Two adjoining spots each of which is more than 2" but less than 2 1/2" in length	2,500	5,000
(ii) Two adjoining spots both of which are at least 2" in length, if either spot is 2 1/2", or more in length	5,000	7,500
(g) Loose on axle	6,000	8,500

(h) Overheated; discoloration extending:		
(1) more than 4" but less than 4 1/2"	2,500	5,000
(2) 4 1/2" or more	5,000	7,500
(i) Welded	5,000	7,500
215.105 Defective axle:		
(a)(1) Crack of 1" or less.	2,500	5,000
(2) Crack of more than 1"	5,000	7,500
(3) Break	6,000	8,500
(b) Gouge in surface that is between the wheel seats and is more than 1/8" in depth	2,500	5,000
(c) End collar with crack or break	2,500	5,000
(d) Journal overheated	5,000	7,500
(e) Journal surface has: a ridge; a depression; a circumferential score; corrugation; a scratch; a continuous streak; pitting; rust; or etching	2,500	5,000
215.107 Defective plain bearing box: general:		
(a)(1) No visible free oil	1,500	3,000
(2) Lubricating pad dry (no expression of oil observed when pad is compressed)	5,000	7,500
(b) Box lid is missing, broken, or open except to receive servicing	1,000	2,000
(c) Contains foreign matter that can be expected to damage the bearing or have a detrimental effect on the lubrication of the journal and bearing	2,500	5,000
215.109 Defective plain bearing box: journal lubrication system:		
(a) Lubricating pad has a tear	1,000	2,000
(b) Lubricating pad scorched, burned, or glazed	2,500	5,000
(c) Lubricating pad contains decaying or deteriorating fabric	2,500	5,000
(d) Lubricating pad has an exposed center core or metal parts contacting the journal	2,500	5,000
(e) Lubricating pad is missing or not in contact with the journal	5,000	7,500
215.111 Defective plain bearing:		
(a) Missing	5,000	7,500
(b) Bearing liner is loose or has piece broken out	2,500	5,000
(c) Overheated	5,000	7,500
215.113 Defective plain bearing wedge:		
(a) Missing	5,000	7,500
(b) Cracked	2,500	5,000
(c) Broken	5,000	7,500

(d) Not located in its design position	5,000	7,500
215.115 Defective roller bearing:		
(a)(1) Overheated	5,000	7,500
(2) (i) Cap screw(s) loose	2,500	5,000
(ii) Cap screw lock broken, missing or improperly applied	1,000	2,000
(3) Seal is loose or damaged, or permits leakage of lubricant	2,500	5,000
(b)(1) Not inspected and tested after derailment	2,500	5,000
(2) Not disassembled after derailment	2,500	5,000
(3) Not repaired or replaced after derailment	5,000	7,500
215.117 Defective roller bearing adapter:		
(a) Cracked or broken	2,500	5,000
(b) Not in its design position	5,000	7,500
(c) Worn on the crown	2,500	5,000
215.119 Defective freight car truck:		
(a)(1) A side frame or bolster that is broken	5,000	7,500
(2)(i) Side frame or bolster with crack of: 1/4" or more, but less than 1"	2,500	5,000
(ii) 1" or more	5,000	7,500
(b) A snubbing device that is ineffective or missing	2,500	5,000
(c) Side bearing(s):		
(1) Assembly missing or broken	5,000	7,500
(2) In contact except by design	5,000	7,500
(3), (4) Total clearance at one end or at diagonally opposite sides of:		
(i) more than 3/4" but not more than 1"	2,500	5,000
(ii) more than 1"	5,000	7,500
(d) Truck spring(s):		
(1) Do not maintain travel or load	2,500	5,000
(2) Compressed solid	2,500	5,000
(3) Outer truck springs broken or missing:		
(i) Two outer springs	2,500	5,000
(ii) Three or more outer springs	5,000	7,500
(e) Truck bolster-center plate interference	5,000	7,500
(f) Brake beam shelf support worn	2,500	5,000
215.121 Defective car body:		
(a) Has less than 2 1/2" clearance from the top of rail	2,500	5,000

(b) Car center sill is:		
(1) Broken	6,000	8,500
(2) Cracked more than 6"	2,500	5,000
(3) Bent or buckled more than 2 1/2" in any 6' length	2,500	5,000
(c) Coupler carrier that is broken or missing	2,500	5,000
(d) Car door not equipped with operative safety hangers	5,000	7,500
(e)(1) Center plate not properly secured	5,000	7,500
(2) Portion missing	2,500	5,000
(3) Broken	5,000	7,500
(4) Two or more cracks	2,500	5,000
(f) Broken sidesill, crossbearer, or body bolster	2,500	5,000
215.123 Defective couplers:		
(a) Shank bent out of alignment	1,000	2,000
(b) Crack in highly stressed junction area.	2,500	5,000
(c) Coupler knuckle broken or cracked	2,500	5,000
(d) Coupler knuckle pin or thrower that is missing or inoperative.	2,500	5,000
(e) Coupler retainer pin lock that is missing or broken	1,000	2,000
(f) Coupler with following conditions: locklift inoperative; no anticreep protection; or coupler lock is missing, inoperative, bent, cracked, or broken	2,500	5,000
215.125 Defective uncoupling device	2,500	5,000
215.127 Defective draft arrangement:		
(a) Draft gear that is inoperative	2,500	5,000
(b) Yoke that is broken	2,500	5,000
(c) End of car cushioning unit is leaking or inoperative	2,500	5,000
(d) Vertical coupler pin retainer plate missing or has missing fastner	5,000	7,500
(e) Draft key or draft key retainer that is inoperative or missing	5,000	7,500
(f) Follower plate that is missing or broken	2,500	5,000
215.129 Defective cushioning device	2,500	5,000
Subpart C—Restricted equipment:		
215.203 Restricted cars	2,500	5,000
Subpart D—Stencilling:		
215.301 General	1,000	2,000
215.303 Stencilling of restricted cars	1,000	2,000
215.305 Stencilling of maintenance-of-way	1,000	2,000

¹A penalty may be assessed against an individual only for a willful violation. Generally, when two or more violations of these regulations are discovered with respect to a single freight car that is placed or continued in service by a railroad, the appropriate penalties set forth above are aggregated up to a maximum of \$28,474 per day. However, a failure to perform, with respect to a particular freight car, the predeparture inspection required by §215.13 of this part will be treated as a violation separate and distinct from, and in addition to, any substantive violative conditions found on the car. The Administrator reserves the right to assess a penalty of up to the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

Failure to observe any condition for movement set forth in paragraphs (a) and (c) of §215.9 will deprive the railroad of the benefit of the movement-for-repair provision and make the railroad and any responsible individuals liable for penalty under the particular regulatory section(s) concerning the substantive defect(s) present on the freight car at the time of movement.

Maintenance-of-way equipment not stenciled in accordance with §215.305 is subject to all requirements of this part. See §215.3(c)(3).

[53 FR 52925, Dec. 29, 1988, as amended at 63 FR 11620, Mar. 10, 1998; 69 FR 30593, May 28, 2004; 72 FR 51196, Sept. 6, 2007; 73 FR 79701, Dec. 30, 2008; 77 FR 24419, Apr. 24, 2012; 81 FR 43109, July 1, 2016; 82 FR 16132, Apr. 3, 2017; 83 FR 60746, Nov. 27, 2018]

Part 217—Schedule Of Civil Penalties¹

(current as of May 23, 2019)

Section	Violation	Willful violation
217.7 Operating rules:		
(a)	\$2,500	\$5,000
(b)	\$2,000	\$5,000
(c)	\$2,500	\$5,000
217.9 Operational tests and inspections:		
(a) Failure to implement a program	\$9,500-12,500	\$13,000-16,000
(b) Railroad and railroad testing officer responsibilities:		
(1) Failure to provide instruction, examination, or field training, or failure to conduct tests in accordance with program	9,500	13,000
(2) Records	7,500	11,000
(c) Record of program; program incomplete	7,500-12,500	11,000-16,000
(d) Records of individual tests and inspections	7,500	
(e) Failure to retain copy of or conduct:		
(1)(i) Quarterly review	9,500	13,000
(1)(ii) and (2) Six month review	9,500	13,000
(3) Records	7,500	11,000
(f) Annual summary	7,500	11,000
(h) Failure to timely or appropriately amend program after disapproval	9,500-12,500	13,000-16,000
217.11 Program of instruction on operating rules:		
(a)	\$5,000	\$7,500
(b)	\$2,500	\$5,000

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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[59 FR 43071, Aug. 22, 1994, as amended at 63 FR 11620, Mar. 10, 1998; 69 FR 30593, May 28, 2004; 73 FR 8497, Feb. 13, 2008; 73 FR 79701, Dec. 30, 2008; 77 FR 24420, Apr. 24, 2012; 81 FR 43109, July 1, 2016; 83 FR 60747, Nov. 27, 2018]

Part 218—Schedule of Civil Penalties¹*(current as of May 23, 2019)*

Section	Violation	Willful violation
Subpart B—Blue signal protection of workmen:		
218.22 Utility employees:		
(a) Employee qualifications	\$5,000	\$7,500
(b) Concurrent service	5,000	7,500
(c) Assignment conditions		
(1) No controlling locomotive	5,000	7,500
(2) Empty cab	5,000	7,500
(3)(4) Improper communication	5,000	7,500
(5) Performing functions not listed	2,000	4,000
(d) Improper release of utility employee	2,000	4,000
(f) More than three utility employees with one crew	2,000	4,000
218.23 Blue signal display	5,000	7,500
218.24 One-person crew:		
(a)(1) Equipment not coupled or insufficiently separated	2,000	4,000
(a)(2) Unoccupied locomotive cab not secured	5,000	7,500
(b) Helper service	2,000	4,000
218.25 Workmen on a main track	5,000	7,500
218.27 Workmen on track other than main track:		
(a) Protection provided except that signal not displayed at switch	2,000	4,000
(b) through (e)	5,000	7,500
218.29 Alternate methods of protection:		
(a)(1) protection provided except that signal not displayed at switch	2,000	4,000
(a)(2) through (a)(8)	5,000	7,500
(b)(1) Protection provided except that signal not displayed at switch	2,000	4,000
(b)(2) through (b)(4)	5,000	7,500
(c) Use of derails	5,000	7,500
(d) Emergency repairs	5,000	7,500
218.30 Remotely controlled switches:		
(a) and (b)	5,000	7,500
(c)	1,000	2,000

Subpart C—Protection of trains and locomotives:		
218.35 Yard limits:		
(a) and (b)	5,000	7,500
(c)	1,000	2,000
218.37 Flag protection:		
(a)	5,000	7,500
(b) and (c)	5,000	7,500
218.39 Hump operations	5,000	7,500
218.41 Noncompliance with hump operations rule	5,000	7,500
Subpart D—Prohibition against tampering with safety devices:		
218.55 Tampering		7,500
218.57 (i) Knowingly operating or permitting operation of disabled equipment	2,500	
(ii) Willfully operating or permitting operation of disabled equipment		5,000
218.59 Operation of disabled equipment	2,500	5,000
Subpart F—Handling Equipment, Switches and Derails:		
218.95 Instruction, Training, and Examination:		
(a) Program	9,500-12,500	13,000-16,000
(b) Records	7,500	11,000
(c) Failure to timely or appropriately amend program after disapproval	9,500-12,500	13,000-16,000
218.97 Good Faith Challenge Procedures:		
(a) Employee Responsibility Failure		5,000
(b) through (d) Failure to adopt or implement procedures	7,500	
218.99 Shoving or Pushing Movements:		
(a) Failure to implement required operating rule	9,500	
(b) Failure to conduct job briefing, use a qualified employee, or establish proper protection	7,500-9,500	11,000-13,000
(c) Failure to observe equipment direction	9,500	13,000
(d) Failure to properly establish point protection within a remote control zone	9,500	13,000
(e) Failure to abide by operational exception requirements	9,500	13,000
218.101 Leaving Equipment in the Clear:		
(a) Failure to implement required operating rule	9,500	
(b) Equipment left improperly fouling	9,500	13,000

(c) Failure to implement procedures for identifying clearance points	9,500	13,000
218.103 Hand-operated switches, including crossover switches:		
(a) Failure to implement required operating rule	9,500	
(b) through (d) Railroad and employee failures	7,500	
218.105 Additional operational requirements for hand-operated main track switches:		
(a) Failure to implement required operating rule	9,500	
(b) and (c) Railroad and employee failures	7,500	11,000
(d) Failure to properly release authority limits	12,500	
218.107 Additional operational requirements for hand-operated crossover switches:		
(a) Failure to implement required operating rule	9,500	
(b) and (c) Railroad and employee failures	7,500	11,000
218.109 Hand-operated fixed derails:		
(a) Failure to implement required operating rule	9,500	13,000
(b) and (c) Railroad and employee failures	7,500	11,000

¹Except as provided for in §218.57, 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 the statutory maximum amount for any violation where the circumstances warrant. See 49 CFR part 209, appendix A.

[53 FR 52928, Dec. 29, 1988, as amended at 54 FR 5492, Feb. 3, 1989; 58 FR 43293, Aug. 16, 1993; 60 FR 11050, Mar. 1, 1995; 63 FR 11621, Mar. 10, 1998; 72 FR 51196, Sept. 6, 2007; 73 FR 8503, Feb. 13, 2008; 73 FR 79701, Dec. 30, 2008; 77 FR 24420, Apr. 24, 2012; 81 FR 43109, July 1, 2016; 83 FR 60747, Nov. 27, 2018]

Part 219— Schedule of Penalties

(current as of May 23, 2019)

The following chart lists the schedule of civil penalties:

Penalty Schedule¹

Section ²	Violation	Willful violation
Subpart A—General		
219.3 Application:		
(a) Railroad or contractor does not have required program	\$5,000	\$7,500
(c) Railroad or contractor improperly tests under subpart E or G of this part	2,500	5,000
219.9 Responsibility for compliance:		
(b)(1) Host railroad failed to take responsibility for compliance or other railroad or contractor did not take responsive action of direction of host railroad during joint operations	5,000	7,500
219.11 General conditions for chemical tests:		
(b)(1) Employee unlawfully refuses to participate in testing	2,500	5,000
(b)(2) Employer fails to give priority to medical treatment	3,000	8,000
(b)(3) Employee fails to remain available	2,500	5,000
(d) Employee unlawfully required to execute a waiver of rights	2,500	5,000
(e)(1) Failure to direct employee to proceed to collection site as soon as possible without affecting safety	2,500	5,000
(e)(3) Railroad used or authorized the use of coercion to obtain specimens	5,000	7,500
(g) Failure to meet supervisory training requirements or program of instruction not available or program not complete	2,500	5,000
(h) Urine or blood specimens provided for Federal testing were used for non-authorized testing	2,500	5,000
219.12 Hours-of-service laws implications:		
(a)-(d) Failure to exceed Hours of Service to conduct required testing or exceeding HOS when not authorized to conduct testing	2,500	5,000
219.23 Railroad policies:		
(a) Failure to provide written notice of FRA test	1,000	4,000
(a)(1) Failure to provide written notice of basis for FRA test	1,000	4,000
(a)(2) Use of a non-approved FRA form for mandatory post-accident toxicological testing	1,000	4,000
(b) Improper use of Federal drug or alcohol testing form or use of Subpart C form for other test	1,000	4,000
(c) Failure to make required educational materials available	2,500	5,000
(d) Failure to provide required minimum educational content	2,500	5,000
(e) Non-Federal provisions are not clearly described as independent authority	2,500	5,000

219.25 Previous employer drug and alcohol checks:		
(a)(1) Failure to conduct previous employer drug and alcohol check or failure to provide response to previous employer when requested	2,500	5,000
(a)(2) Failure to perform and complete FRA and DOT-required background checks in a timely manner	2,500	5,000
(a)(3) Failure to document due diligence in completing FRA and DOT-required background checks	2,500	5,000
(b) Failure to comply with § 240.119(c) (for engineers) or § 242.115(e) (for conductors) of this chapter regarding the consideration of Federal alcohol and drug violations that occurred within a period of 60 consecutive months prior to the review of the person's records	2,500	5,000
Subpart B—Prohibitions		
219.101 Alcohol and drug use prohibited:		
(a) Railroad with actual knowledge of use, possession or impairment from alcohol or controlled substances permits employee to go on duty or remain on duty		10,000
219.103 Prescribed and over-the-counter drugs:		
(a) Failure to train employee properly on requirements	2,500	5,000
219.104 Responsive action:		
(a) Failure to remove employee from regulated service immediately	5,000	7,500
(b) Failure to provide written notice for removal	2,500	5,000
(c) Failure to provide prompt hearing within 10 calendar days	2,500	5,000
(d) Employee improperly returned to regulated service	5,000	7,500
(e) Failure to ensure certified locomotive engineers and conductors received required follow-up testing minimums as per § 240.119(d)(2) and § 242.115(f)(2) of this chapter	2,500	5,000
219.105 Railroad's duty to prevent violations:		
(a) Employee improperly permitted to remain in regulated service	7,500	10,000
(b) Failure to exercise due diligence to assure compliance with prohibition	5,000	7,500
(d) Failure to conduct and record minimum number of Rule G observations	2,500	5,000
219.107 Consequences of unlawful refusal:		
(a) Failure to disqualify an employee for nine months following a refusal	5,000	7,500
(b) Fail to provide written notice of withdrawal to employee	2,500	5,000
(c) Employee unlawfully returned to service	5,000	7,500
Subpart C—Post-Accident Toxicological Testing		
219.201 Events for which testing is required:		
(a) Failure to test after qualifying event (each regulated employee not tested is a violation)	5,000	7,500
(c)(1)(i) Failure to make good faith determination	5,000	7,500
(c)(1)(ii) Failure to provide requested decision report to FRA	2,500	5,000

(c)(2) Testing performed after non-qualifying event	5,000	10,000
219.203 Responsibilities of railroads and employees:		
(a)(1)(i) and (a)(2)(i) Failure to properly test/exclude from testing	5,000	7,500
(a)(1)(ii) and (a)(2)(ii) Non-regulated service employee tested	5,000	7,500
(b)(1) Delay in obtaining specimens due to failure to make every reasonable effort	2,500	5,000
(c) Independent medical facility not utilized	2,500	5,000
(d) Failure to report event or contact FRA when intervention required	1,000	3,000
(d)(1) Failure to collect specimens in a timely manner	2,500	5,000
(e)(2) Failure to recall employee for testing when conditions met	2,500	5,000
(e)(5) Failure to document why employee could not be recalled	2,500	5,000
(f)(1) Specimen collection not completed at an independent medical facility	2,500	5,000
219.205 Specimen collection and handling:		
(a) Failure to observe requirements with respect to specimen collection, marking and handling	2,500	5,000
(b) Failure to provide properly prepared forms with specimens	2,500	5,000
(d) Failure to promptly or properly forward specimens	2,500	5,000
219.207 Fatality:		
(a) Failure to collect specimens	5,000	7,500
(a)(1) Failure to ensure timely collection and shipment of required specimens	2,500	5,000
(b) Failure to request assistance when necessary	2,500	5,000
219.209 Reports of tests and refusals:		
(a)(1) Failure to provide telephonic report	1,000	2,000
(b) Failure to provide written report of refusal to test	1,000	2,000
(c) Failure to maintain report explaining why test not conducted within 4 hours	1,000	2,000
219.211 Analysis and follow-up:		
(c) Failure of the MRO to report MRO downgrades and/or verified non-negative results to FRA in a timely manner	2,500	5,000
(g)(3) Unauthorized withholding of regulated employee out of regulated service pending receipt of PAT testing results	2,500	5,000
Subpart D—Reasonable Suspicion Testing		
219.301 Mandatory reasonable suspicion testing:		
(a) Failure to conduct breath alcohol test when reasonable suspicion testing criteria met or conduct breath alcohol test under reasonable suspicion when criteria not met	5,000	7,500
(b) Failure to conduct drug test when reasonable suspicion testing criteria met or conduct drug test under reasonable suspicion when criteria not met	5,000	7,500

219.303 Testing when reasonable suspicion criteria not met:		
(a) Failure to use a trained supervisor when conducting a reasonable suspicion determination for alcohol	2,500	5,000
(b) Failure to use two supervisors, one of which must have been trained, when conducting a reasonable suspicion determination for drugs	2,500	5,000
(c) Improperly holding employee out of service	2,500	5,000
(d) Failure to provide adequate written documentation for the reasons for a reasonable suspicion test	2,500	5,000
219.305 Prompt specimen collections; time limitations:		
(a) Fail to promptly conduct test	2,500	5,000
(b) Failure to document why test not administered within time limits	2,500	5,000
(c) Improper recall of employee	2,500	5,000
Subpart E—Reasonable Cause Testing		
219.401 Authorization for reasonable cause testing:		
(a) Failure to declare which authority (Federal or company) is being used for reasonable cause testing	2,500	5,000
(b) Testing conducted after regulated employee is released from duty	2,500	5,000
219.403 Requirements for reasonable cause testing:		
(a) Testing when event did not meet the criteria for train accident or train incident	2,500	5,000
(b) Testing when event did not meet the criteria for rule violation	2,500	5,000
219.405 Documentation requirements:		
(a) Failure to provide adequate written documentation for the reasons for a reasonable cause test	1,000	2,500
(b) Failure to document specific type of rule violation and the involvement of each tested regulated employee	1,000	2,500
219.407 Prompt Specimen Collection; Time Limitations:		
(a) Failure to perform a test in a timely	2,500	5,000
(b) Failure to document why test not administered within time limits	1,000	2,500
(c) Improper recall of employee	2,500	5,000
219.409 Limitations on authority:		
(b) Improper withholding of regulated employee from regulated service pending test results	2,500	5,000
Subpart F—Pre-Employment Tests		
219.501 Pre-employment drug testing:		
(a) Failure to conduct a Federal pre-employment test before a final applicant or employee transfer performs regulated service	2,500	5,000
(b) Failure to conduct a Federal pre-employment test before an employee of a contractor performs regulated service	2,500	5,000
(e) Pre-employment testing of grandfathered regulated employee	1,000	2,500

219.502 Pre-employment alcohol testing:		
(a)(1) Failure to conduct alcohol testing of a regulated employee after choosing to perform Federal pre-employment alcohol testing	2,500	5,000
(a)(2) Failure to treat all regulated employees the same for purposes of Federal pre-employment alcohol testing	2,500	5,000
219.503 Notification; records:		
Failure to notify the applicant in writing of non-negative test results or refusal	1,000	2,500
Subpart G—Random Alcohol and Drug Testing Programs		
219.601 Purpose and scope of random testing programs:		
(b) Failure to ensure regulated employee is subject to random testing	2,500	5,000
(c) Contractor or volunteer not included in random testing while subject to performing regulated service	2,500	5,000
(d)(1) Regulated employee not subject to random testing at minimum rate set by agency covering more than 50% of employee's regulated functions	2,500	5,000
219.605 Submission and approval of random testing plans:		
(a)(1) Failure to obtain FRA approval of random testing program	2,500	5,000
(c) Failure to implement random testing plan within 30 days of notification of FRA approval	2,500	5,000
(d)(1) Failure to implement substantive plan amendment within 30 days of notification of FRA approval, or failure to obtain FRA approval before implementing substantive plan amendment before implementation	2,500	5,000
(d)(2) Failure to submit non-substantive plan amendment before implementation	2,500	5,000
219.607 Requirements for random testing plans:		
(a) Railroad implementation failed to comply with approved plan	2,500	5,000
(c) Failure to contain required plan elements	2,500	5,000
219.609 Inclusion of contractor employees and volunteers in random testing plans:		
(a) Failure to demonstrate that regulated service contractor employees and volunteers are subject to random testing	2,500	5,000
(c) Failure to ensure regulated service contractor and volunteers are tested in accordance with this subpart	2,500	5,000
219.611 Random drug and alcohol and drug testing pools:		
(a) Failure of railroad to ensure that all regulated employees including contractors and volunteers are included in random testing pools	2,500	5,000
(b)(2) Improper criteria for pool entries which allows for employer discretion over who is to be tested	2,500	5,000
(b)(3) Failure to construct and maintain pool entries that will ensure regulated employees have an equal chance of being selected randomly for each draw	2,500	5,000
(c) Maintaining a random testing pool with less than four pool entries	2,500	5,000
(d)(1) Failure to ensure that pools do not contain non-regulated employees	2,500	5,000

(d)(2) Regulated employee included in more than one DOT random pool	2,500	5,000
(d)(3) Failure to maintain pools and/or pool entries that meet FRA/DOT regulations	2,500	5,000
(d)(5) Failure to add or remove regulated employees to or from the proper random pool in a timely manner	2,500	5,000
(e)(2) Failure to remove employees who perform de minimis service from pools which include employees who perform regulated service on a regular basis	2,500	5,000
(f) Failure to have an effective mechanism to update and maintain pools	2,500	5,000
219.613 Random testing selections:		
(b)(1) Failure to use an FRA-acceptable selection procedure	2,500	5,000
(b)(2) Failure to ensure every regulated employee has an equal chance at being selected at each draw	2,500	5,000
(b)(3) Failure to have necessary documentation verifying the selection process for testing window	2,500	5,000
(c)(1) Failure to select pool entries at a rate which ensures compliance with FRA required random rates or fail to reasonably distribute selections throughout the selection year	2,500	5,000
(d) Railroad failed to select at least one entry from each of its random testing pools every three months	2,500	5,000
(e) Railroad discarded selection draws without an acceptable explanation	2,500	5,000
(g) Failure to capture and maintain electronic or hard copy snapshot of each random testing pool at the time it makes a testing selection	2,500	5,000
219.615 Random testing collections:		
(a) Failure to comply with minimum annual random collection testing rates	2,500	5,000
(b) Failure to test selections within the approved testing window	2,500	5,000
(c)(1) Testing a regulated employee while not on duty or testing a regulated employee not randomly selected or testing a non-regulated employee	2,500	5,000
(c)(2) Failure to distribute collections reasonably throughout all shifts, days of the week, weeks of the month, and months of the year	2,500	5,000
(c)(3) Failure to perform at least 10% of its random alcohol tests at the beginning of shifts and at least 10% of random alcohol tests at the end of shifts	2,500	5,000
(e)(1) Advance notification given to employees selected for testing	2,500	5,000
(e)(2) Fail to begin collection within two hours of notice of random selection without an acceptable reason for the delay	2,500	5,000
(f) Failure to test a selection without an FRA-acceptable reason	2,500	5,000
(g)(1) Fail to immediately terminate random collection due to hours of service expiration	2,500	5,000
219.617 Participation in random alcohol and drug testing:		
(a)(1) Failure to test regulated employee when properly selected for random test	2,500	5,000
(a)(2) Failure to restrict regulated employee from performing regulated service prior to completion of random testing	2,500	5,000

(a)(3) Improperly excused without substantiated medical emergency	2,500	5,000
219.621 Use of Service Agents:		
(g) Improper use a service agent to notify a regulated employee that they have been selected for random testing	2,500	5,000
219.623 Records		
(a) Failure of railroads to meet recordkeeping requirements	2,500	5,000
(g) Failure of contractors and service agents to provide required random testing records when requested by the contracting railroad or FRA	2,500	5,000
219.625 FRA Administrator's determination of random alcohol and drug rates		
(d) Failure to meet the required FRA random testing rate for drugs	2,500	5,000
(e) Failure to meet the required FRA random testing rate for alcohol	2,500	5,000
Subpart H—Drug and Alcohol Testing Procedures		
219.701 Standards for drug and alcohol testing:		
(a) Failure to comply with part 40 procedures in subpart B, D, E, F, G and K testing	5,000	7,500
Subpart I—Annual Report		
219.800 Annual Reports:		
(a) Failure to submit MIS report on time	2,500	5,000
(c) Failure to submit accurate MIS report	2,500	5,000
(d) Failure to include required data	2,500	5,000
Subpart J—Recordkeeping Requirements		
219.901 Retention of alcohol and drug testing records:		
(a) Failure to maintain records required to be kept by part 40 of this chapter	2,500	5,000
(b) Failure to maintain records required to be kept for five years	2,500	5,000
(c) Failure to maintain records required to be kept for two years	2,500	5,000
219.903 Access to facilities and records:		
(a) Failure to release records in this subpart in accordance with part 40 of this chapter	2,500	5,000
(b) Failure to permit access to facilities	2,500	5,000
(c) Failure to provide access to results of railroad alcohol and drug testing programs	2,500	5,000
Subpart K—Referral Programs		
219.1001 Requirement for referral programs:		
(b)(1) Failure to adopt or implement required self-referral program or alternate program that meets the requirements of this subpart	2,500	5,000
(b)(2) Failure to adopt or implement required co-worker referral program or alternate program that meets the requirements of subpart K of this part	2,500	5,000

(d) Violation of referral program prohibitions	2,500	5,000
219.1003 Referral program conditions:		
(a) Failure to comply with referral program conditions	2,500	5,000
(b) Failure to maintain employment	2,500	5,000
(c) Failure to disqualify regulated employee when referral conditions not met	2,500	5,000
(d) Use of unqualified DAC	2,500	5,000
(e) Allowing person evaluated as having active substance abuse disorder to perform regulated service	2,500	5,000
(f) Breach of confidentiality	2,500	5,000
(g) Failure to allow recommended leave of absence	2,500	5,000
(h)(1)-(3) Failure to meet return to service conditions	2,500	5,000
(h)(4) Failure to return to service when conditions met	2,500	5,000
(i) Improper modification to rehabilitation plan	2,500	5,000
(l) Failure to complete DAC evaluation within time limit	2,500	5,000
(m) Exceeding 24 month time limit on aftercare when not associated with a substantiated part 219 violation	2,500	5,000
219.1007 Alternate programs:		
(c) Failure to obtain FRA approval of alternate program	2,500	5,000

¹A penalty may be assessed against an individual only for a willful violation. The FRA Administrator reserves the right to assess a penalty of up to the statutory maximum amount for any violation, including ones not listed in this penalty schedule, where circumstances warrant. See 49 CFR part 209, appendix A.

²The penalty schedule uses section numbers from 49 CFR part 219; and 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. 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.

[81 FR 37944, June 10, 2016, as amended at 83 FR 60747, Nov. 27, 2018]

Part 220—Schedule of Civil Penalties¹

(current as of May 23, 2019)

Section ²	Violation	Willful violation
220.9 Requirements for trains	\$5,000	\$7,500
220.11 Requirements for roadway workers	5,000	7,500
220.21 Railroad Operating rules; radio communications		
(a)	5,000	7,500
(b)	2,500	5,000
220.23 Publication of radio information	2,500	5,000
220.25 Instruction of employees	5,000	7,500
220.27 Identification	1,000	2,000
220.29 Statement of letters and numbers	1,000	2,000
220.31 Initiating a transmission	1,000	2,000
220.33 Receiving a transmission	1,000	2,000
220.35 Ending a transmission	1,000	2,000
220.37 Voice test	5,000	7,500
220.39 Continuous monitoring	2,500	5,000
220.41 [Reserved]		
220.43 Communication consistent with the rules	2,500	5,000
220.45 Complete communications	2,500	5,000
220.47 Emergencies	2,500	5,000
220.49 Switching, backing or pushing	5,000	7,500
220.51 Signal indications	5,000	7,500
220.61 Radio transmission of mandatory directives	5,000	7,500
Subpart C—Electronic Devices		
220.302 Operating rules	9,500	17,000
220.303 General; interfering with safety-related duties	9,500	17,000
220.305 Personal electronic device turned on while prohibited	5,500	10,000
(a)-(c) Personal device in use while prohibited	9,500	17,000
220.307 Railroad-supplied device turned on while prohibited	5,500	10,000
(a) Use not authorized by railroad in writing	9,500	17,000
(b)-(d) Railroad-supplied devices in use while prohibited	9,500	17,000

220.311 Railroad operating employees in deadhead status:		
(a)	9,500	17,000
(b) Devices turned on while prohibited; or device in use while prohibited	5,500	10,000
	9,500	17,000
220.313 Program of instruction:		
(a)-(d)	9,500	17,000
220.315 Operational tests and inspections:		
(a)-(b)	9,500	17,000

¹A penalty may be assessed against and only for a willful violation. The Administrator reserves the right to assess a penalty of up to the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

²The penalty schedule uses section numbers from 49 CFR part 220. 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.

[63 FR 47195, Sept. 4, 1998, as amended at 69 FR 30593, May 28, 2004; 73 FR 79702, Dec. 30, 2008; 75 FR 59604, Sept. 27, 2010; 77 FR 24420, Apr. 24, 2012; 81 FR 43110, July 1, 2016; 83 FR 60747, Nov. 27, 2018]

Part 221—Schedule of Civil Penalties¹

(current as of May 23, 2019)

Section	Violation	Willful violation
221.13 Marking device display:		
(a) device not present, not displayed, or not properly illuminated	\$5,000	\$7,500
(d) device too close to rail	1,000	2,000
221.14 Marking devices: Use of unapproved or noncomplying device	2,500	5,000
221.15 Marking device inspection:		
(a) Failure to inspect at crew change	2,500	5,000
(b), (c) improper inspection	2,500	5,000
221.16 Inspection procedure:		
(a) Failure to obtain protection	5,000	7,500
(b) Improper protection	2,500	5,000
221.17 Movement of defective equipment	¹	¹

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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A. Where the conditions for movement of defective equipment set forth in §221.17 of this part are not met, the movement constitutes a violation of §221.13 of this part.

[53 FR 52930, Dec. 29, 1988, as amended at 69 FR 62818, Oct. 28, 2004; 73 FR 79702, Dec. 30, 2008; 77 FR 24420, Apr. 24, 2012; 81 FR 43110, July 1, 2016; 83 FR 60747, Nov. 27, 2018]

Part 222—Schedule of Civil Penalties¹

(current as of May 23, 2019)

Section	Violation	Willful violation
Subpart B—Use of Locomotive Horns		
§ 222.21 Use of locomotive horn		
(a) Failure to sound horn at grade crossing	\$5,000	\$7,500
Failure to sound horn in proper pattern	1,000	3,000
(b) Failure to sound horn at least 15 seconds and less than 1/4-mile before crossing	5,000	7,500
Sounding the locomotive horn more than 25 seconds before crossing	1,000	2,000
Sounding the locomotive horn more than 1/4-mile in advance of crossing	1,000	2,000
§ 222.33 Failure to sound horn when conditions of § 222.33 are not met	5,000	7,500
§ 222.45 Routine sounding of the locomotive horn at quiet zone crossing	5,000	7,500
§ 222.49 (b) Failure to provide Grade Crossing Inventory Form information	2,500	5,000
§ 222.59 (d) Routine sounding of the locomotive horn at a grade crossing equipped with wayside horn	5,000	7,500

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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[71 FR 47634, Aug. 17, 2006, as amended at 73 FR 79702, Dec. 30, 2008. Redesignated at 74 FR 46394, Sept. 9, 2009 as amended at 77 FR 24420, Apr. 24, 2012; 81 FR 43110, July 1, 2016; 83 FR 60747, Nov. 27, 2018]

Part 223—Schedule of Civil Penalties¹

(current as of May 23, 2019)

Section	Violation	Willful violation
223.9 New or rebuilt equipment:		
(a) Locomotives	\$2,500	\$5,000
(b) Cabooses	2,500	5,000
(c) Passenger cars	2,500	5,000
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

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 the statutory maximum amount for any violation where circumstances warrant. See 49 U.S.C. 21301, 21304, and 49 CFR part 209, appendix A. 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.

[63 FR 24676, May 4, 1998, as amended at 69 FR 30594, May 28, 2004; 73 FR 6400, Feb. 1, 2008; 73 FR 79702, Dec. 30, 2008; 77 FR 24420, Apr. 24, 2012; 81 FR 6790, Feb. 9, 2016; 81 FR 43110, July 1, 2016; 83 FR 60747, Nov. 27, 2018]

Part 224—Schedule of Civil Penalties¹

(current as of May 23, 2019)

Subpart B—Application, Inspection, and Maintenance of Retroreflective Material

Section	Violation	Willful violation
§ 224.103 Characteristics of retroreflective sheeting:		
(a)-(d) Retroreflective sheeting applied does not meet the requirements of § 224.103	\$2,500	\$5,000
§ 224.105 Sheeting dimensions and quantity:		
Failure to apply minimum amount of retroreflective sheeting in accordance with Table 2	2,500	5,000
Applying retroreflective sheeting of wrong dimensions	2,500	5,000
§ 224.106 Location of retroreflective sheeting:		
(a), (b)Applying retroreflective sheeting in nonconforming pattern	2,000	4,000
§ 224.107 Implementation schedule:		
(a)(1), (b)(1) Failure to apply retroreflective sheeting to new freight car or locomotive before equipment placed in service	5,000	7,500
(a)(2), (b)(2), (b)(4) Failure to apply retroreflective sheeting to existing freight car or locomotive in accordance with minimum schedule of paragraphs (a)(2), (b)(2), or (b)(4)	5,000	7,500
§ 224.109 Inspection, repair, and replacement:		
(a) Failure to perform inspection	5,000	7,500
Failure to properly notify car owner of defect	2,500	5,000
Failure to retain written notification of defect for two years	1,500	2,500
Failure to repair defect after notification	5,000	7,500
(b) Failure to perform inspection	5,000	7,500
Failure to repair defect	5,000	7,500

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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[70 FR 62176, Oct. 28, 2005, as amended at 73 FR 79702, Dec. 30, 2008; 77 FR 24420, Apr. 24, 2012; 81 FR 43110, July 1, 2016; 83 FR 60747, Nov. 27, 2018]

Part 225—Schedule of Civil Penalties¹

(current as of May 23, 2019)

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
(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 the statutory maximum amount 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.

Part 227—Schedule of Civil Penalties

(current as of May 23, 2019)

Section	Violation	Willful violation
Subpart A—General		
227.3 Application:		
(b)(4) Failure to meet the required conditions for foreign railroad operations	\$2,500	\$5,000
Subpart B—General Requirements		
227.103 Noise monitoring program:		
(a) Failure to develop and/or implement a noise monitoring program	7,500	10,000
(b) Failure to use sampling as required	2,500	5,000
(c) Failure to integrate sound levels and/or make noise measurements as required	2,500	5,000
(d) Failure to repeat noise monitoring where required	2,500	5,000
(e) Failure to consider work environments where hearing protectors may be omitted	2,500	5,000
(f) Failure to provide opportunity to observe monitoring	2,000	4,000
(g) Reporting of Monitoring Results:		
(1) Failure to notify monitored employee	2,500	5,000
(2) Failure to post results as required	2,500	5,000
227.105 Protection of employees:		
(a) Failure to provide appropriate protection to exposed employee	7,500	10,000
(b) Failure to observe and document source(s) of noise exposures	2,500	5,000
(c)-(d) Failure to protect employee from impermissible continuous noise	5,000	7,500
227.107 Hearing conservation program:		
(a) Failure to administer a HCP	7,500	10,000
(b) Failure to compute noise exposure as required	3,500	7,000
227.109 Audiometric testing program:		
(a) Failure to establish and/or maintain an audiometric testing program	7,500	10,000
(b) Failure to provide audiometric test at no cost to employee	2,500	5,000
(c) Failure to have qualified person perform audiometric test	2,500	5,000
(d) [Reserved]		
(e) Failure to establish baseline audiogram as required	3,500	7,000
(f) Failure to offer and/or require periodic audiograms as required	2,500	5,000
(g) Failure to evaluate audiogram as required	2,500	5,000
(h) Failure to comply with follow-up procedures as required	2,500	5,000

(i) Failure to use required method for revising baseline audiograms	2,500	5,000
227.111 Audiometric test requirements:		
(a) Failure to conduct test as required	2,500	5,000
(b) Failure to use required equipment	2,500	5,000
(c) Failure to administer test in room that meets requirements	2,500	5,000
(d) Complete failure to calibrate	5,000	7,500
(1) Failure to perform daily calibration as required	2,000	4,000
(2) Failure to perform annual calibration as required	2,000	4,000
(3) Failure to perform exhaustive calibration as required	2,000	4,000
227.115 Hearing protectors (HP):		
(a) Failure to comply with general requirements	3,000	6,000
(b) Failure to make HP available as required	2,500	5,000
(c) Failure to require use of HP at action level	5,000	7,500
(d) Failure to require use of HP at TWA of 90 dB(A)	5,000	7,500
227.117 Hearing protector attenuation:		
(a) Failure to evaluate attenuation as required	2,500	5,000
(b)-(c) Failure to attenuate to required level	2,500	5,000
(d) Failure to re-evaluate attenuation	2,500	5,000
227.119 Training program:		
(a) Failure to institute a training program as required	5,000	7,500
(b) Failure to provide training within required time frame	2,500	5,000
(c) Failure of program and/or training materials to include required information	2,500	5,000
227.121 Recordkeeping:		
(a) General Requirements:		
(1) Failure to make record available as required	2,500	5,000
(3) Failure to transfer or retain records as required	2,000	4,000
(b)-(f) Records:		
(1) Failure to maintain record or failure to maintain record with required information	2,000	4,000
(2) Failure to retain records for required time period	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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[71 FR 63123, Oct. 27, 2006, as amended at 73 FR 79703, Dec. 30, 2008; 77 FR 24421, Apr. 24, 2012; 81 FR 43110, July 1, 2016; 83 FR 60748, Nov. 28, 2018]

Part 228—Schedule of Civil Penalties¹

(current as of May 23, 2019)

Section	Violation	Willful violation
Subpart B—Records and Reporting:		
228.9 Railroad records	\$1,000	\$2,000
228.11 Hours of duty records	1,000	2,000
228.17 Dispatcher's record	1,000	2,000
228.19 Monthly reports of excess service	1,000	2,000

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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[53 FR 52931, Dec. 29, 1988, as amended at 69 FR 30594, May 28, 2004; 73 FR 79703, Dec. 30, 2008; 77 FR 24421, Apr. 24, 2012; 81 FR 43111, July 1, 2016; 83 FR 60748, Nov. 27, 2018]

Part 229—Schedule of Civil Penalties¹
(current as of May 23, 2019)

Section	Violation	Willful violation
Subpart A—General		
229.7 Prohibited acts: Safety deficiencies not governed by specific regulations: To be assessed on relevant facts	\$1,000-5,000	\$2,000-7,500
229.9 Movement of noncomplying locomotives	¹	¹
229.11 Locomotive identification	1,000	2,000
229.13 Control of locomotives	2,500	5,000
229.15 Remote control locomotives	2,500	5,000
229.17 Accident reports	2,500	5,000
229.19 Prior Waivers	¹	¹
Subpart B—Inspection and tests		
229.21 Daily inspection:		
(a)(b):		
(1) Inspection overdue	2,000	4,000
(2) Inspection report not made, improperly executed, or not retained	1,000	2,000
(c) Inspection not performed by a qualified person	1,000	2,000
229.23 Periodic inspection General:		
(a)(1) Inspection overdue	2,500	5,000
(a)(2) Inspection performed improperly or at a location where the underneath portion cannot be safely inspected	2,500	5,000
(b)(1) Inspection overdue	2,500	5,000
(b)(2) Inspection overdue	2,500	5,000
(c) Inspection overdue	2,500	5,000
(e):		
(1) Form missing	1,000	2,000
(2) Form not properly displayed	1,000	2,000
(3) Form improperly executed	1,000	2,000
(f) Replace Form FRA F 6180.49A by April 2 or July 3		
(g) Secondary record of the information reported Form FRA F 6180.49A	1,000	2,000
229.25 Tests: every periodic inspection:		
(a) through (d)(4) and (e) and (f) Tests	2,500	5,000

(d)(5) Ineffective maintenance	8,000	16,000
229.27 Annual tests	2,500	5,000
229.29 Biennial tests	2,500	5,000
229.31:		
(a) Biennial hydrostatic tests of main reservoirs	2,500	5,000
(b) Biennial hammer tests of main reservoirs	2,500	5,000
(c) Drilled telltale holes in welded main reservoirs	2,500	5,000
(d) Biennial tests of aluminum main reservoirs	2,500	5,000
229.33 Out-of-use credit	1,000	2,000
Subpart C—Safety Requirements		
229.41 Protection against personal injury	2,500	5,000
229.43 Exhaust and battery gases	2,500	5,000
229.45 General condition: To be assessed based on relevant facts	1,000-5,000	2,000-7,500
229.46 Brakes: General	2,500	5,000
229.47 Emergency brake valve	2,500	5,000
229.49 Main reservoir system:		
(a)(1) Main reservoir safety valve	2,500	5,000
(2) Pneumatically actuated control reservoir	2,500	5,000
(b)(c) Main reservoir governors	2,500	5,000
229.51 Aluminum main reservoirs	2,500	5,000
229.53 Brake gauges	2,500	5,000
229.55 Piston travel	2,500	5,000
229.57 Foundation brake gear	2,500	5,000
229.59 Leakage	2,500	5,000
229.61 Draft system	2,500	5,000
229.63 Lateral motion	2,500	5,000
229.64 Plain bearing	2,500	5,000
229.65 Spring rigging	2,500	5,000
229.67 Trucks	2,500	5,000
229.69 Side bearings	2,500	5,000
229.71 Clearance above top of rail	2,500	5,000
229.73 Wheel sets	2,500	5,000
229.75 Wheel and tire defects:		
(a),(d) Slid flat or shelled spot(s):		

(1) One spot 2 1/2" or more but less than 3" in length	2,500	5,000
(2) One spot 3" or more in length	5,000	7,500
(3) Two adjoining spots each of which is 2" or more in length but less than 2 1/2" in length	2,500	5,000
(4) Two adjoining spots each of which are at least 2" in length, if either spot is 2 1/2" or more in length	5,000	7,500
(b) Gouge or chip in flange of:		
(1) more than 1 1/2" but less than 1 5/8" in length; and more than 1/2" but less than 5/8" in width	2,500	5,000
(2) 1 5/8" or more in length and 5/8" or more in width	5,000	7,500
(c) Broken rim	5,000	7,500
(e) Seam in tread	2,500	5,000
(f) Flange thickness of:		
(1) 7/8" or less but more than 13/16"	2,500	5,000
(2) 13/16" or less	5,000	7,500
(g) Tread worn hollow	2,500	5,000
(h) Flange height of:		
(1) 1 1/2" or greater but less than 1 5/8"	2,500	5,000
(2) 1 5/8" or more	5,000	7,000
(i) Tire thickness	2,500	5,000
(j) Rim thickness:		
(1) Less than 1" in road service and 3/4" in yard service	2,500	5,000
(2) 15/16" or less in road service and 1 1/16" in yard service	5,000	7,500
(k) Crack of less than 1"	5,000	7,500
(1) Crack of less than 1"	2,500	5,000
(2) Crack of 1" or more	5,000	7,500
(3) Break	5,000	7,500
(l) Loose wheel or tire	5,000	7,500
(m) Welded wheel or tire	5,000	7,500
229.77 Current collectors	2,500	5,000
229.79 Third rail shoes and beams	2,000	4,000
229.81 Emergency pole; shoe insulation	2,500	5,000
229.83 Insulation or grounding	5,000	7,500
229.85 Door and cover plates marked "Danger"	2,500	5,000
229.87 Hand operated switches	2,500	5,000
229.89 Jumpers; cable connections:		

(a) Jumpers and cable connections; located and guarded	2,500	5,000
(b) Condition of jumpers and cable connections	2,500	5,000
229.91 Motors and generators	2,500	5,000
229.93 Safety cut-off device	2,500	5,000
229.95 Venting	2,500	5,000
229.97 Grounding fuel tanks	2,500	5,000
229.99 Safety hangers	2,500	5,000
229.101 Engines:		
(a) Temperature and pressure alarms, controls, and switches	2,500	5,000
(b) Warning notice	2,500	5,000
(c) Wheel slip/slide protection	2,500	5,000
229.103 Safe working pressure; factor of safety	2,500	5,000
229.105 Steam generator number	1,000	1,500
229.107 Pressure gauge	2,500	5,000
229.109 Safety valves	2,500	5,000
229.111 Water-flow indicator	2,500	5,000
229.113 Warning notice	2,500	5,000
229.114 Steam generator inspections and tests	2,500	5,000
229.115 Slip/slide alarms	2,500	5,000
229.117 Speed indicators	2,500	5,000
229.119 Cabs, floors, and passageways:		
(a)(1) Cab set not securely mounted or braced	2,500	5,000
(2) Insecure or improper latching device	2,500	5,000
(b) Cab windows of lead locomotive	2,500	5,000
(c) Floors, passageways, and compartments	2,500	5,000
(d) Ventilation and heating arrangement	2,500	5,000
(e) Continuous barrier	2,500	5,000
(f) Containers for fuses and torpedoes	2,500	5,000
(g) Failure to equip	2,500	5,000
(h) Failure to maintain	2,500	5,000
(i) Failure to equip	2,500	5,000
229.121 Locomotive Cab Noise:		
(a) Performance Standards		
(1) Failure to meet sound level	5,000	7,500

(2) Improper maintenance alterations	2,500	5,000
(3) Failure to comply with static test protocols	2,500	5,000
(b) Maintenance of Locomotives		
(1) Failure to maintain excessive noise report record or respond to report as required	2,500	5,000
(3) Failure to make good faith effort as required	2,500	5,000
(4) Failure to maintain record as required	2,000	4,000
229.123 Pilots, snowplows, end plates	2,500	5,000
229.125		
(a) Headlights	2,500	5,000
(d) Auxiliary lights	2,500	5,000
229.127 Cab lights	2,500	5,000
229.129 Locomotive horn:		
(a) Prescribed sound levels	2,500	5,000
Arrangement of horn	2,500	5,000
(b) Failure to perform sound level test	2,500	5,000
(c) Sound level test improperly performed	2,500	5,000
Record of sound level test improperly executed, or not retained	1,000	4,000
229.131 Sanders	1,000	2,000
229.135 Event Recorders:		
(a) Lead locomotive without in-service event recorder	2,500	5,000
(b) Failure to meet equipment requirements	2,500	5,000
(c) Unauthorized removal or failure to remove from service	2,500	5,000
(d) Improper response to out of service event recorder	2,500	5,000
(e) Failure to preserve data or unauthorized extraction of data	2,500	5,000
(g) Tampering with device or data	2,500	5,000
229.137 Sanitation, general:		
(a) Sanitation compartment in lead unit, complete failure to provide required items	\$5,000	\$10,000
(1) Ventilation	2,500	5,000
(2) Door missing	2,000	4,000
(2)(i) Door doesn't close	1,000	2,000
(2)(ii) No modesty lock	1,000	2,000
(3) Not equipped with toilet in lead	5,000	10,000
(4) Not equipped with washing system	1,000	2,000
(5) Lack of paper	1,000	2,000

(6) Lack of trash receptacle	1,000	2,000
(b) Exceptions:		
(1)(i) Commuter service, failure to meet conditions of exception	2,500	5,000
(1)(ii) Switching service, failure to meet conditions of exception	2,500	5,000
(1)(iii) Transfer service, failure to meet conditions of exception	2,500	5,000
(1)(iv) Class III, failure to meet conditions of exception	2,500	5,000
(1)(v) Tourist, failure to meet conditions of exception	2,500	5,000
(1)(vi) Control cab locomotive, failure to meet conditions of exception	2,500	5,000
(2) Noncompliant toilet	5,000	10,000
(c) Defective/unsanitary toilet in lead unit	2,500	5,000
(1-5) Failure to meet conditions of exception	2,500	5,000
(d) Defective/unsanitary unit; failure to meet conditions for trailing position	2,500	5,000
(e) Defective/sanitary unit; failure to meet conditions for switching/transfer service	2,500	5,000
(f) Paper, washing, trash holder; failure to equip prior to departure	2,500	5,000
(g) Inadequate ventilation; failure to repair or move prior to departure	2,500	5,000
(h) Door closure/modesty lock; failure to repair or move	1,000	2,000
(i) Failure to retain/maintain of equipped units	2,500	5,000
(j) Failure to equip new units/in-cab facility	2,500	5,000
(k) Failure to provide potable water	2,500	5,000
229.139 Servicing requirements:		
(a) Lead occupied unit not sanitary	2,500	5,000
(b) Components not present/operating	2,500	5,000
(c) Occupied unit in switching, transfer service, in trailing position not sanitary	2,500	5,000
(d) Defective unit used more than 10 days	2,500	5,000
(e) Failure to repair defective modesty lock	1,000	2,000
229.140 Alerters	2,500	5,000
229.141 Body structure, MU locomotives	2,500	5,000
Subpart D—Locomotive Crashworthiness Design Requirements		
229.205 General requirements:		
(a)(1) Wide-nose locomotive not designed in compliance with AAR S-580-2005	\$5,000	\$7,500
(2) Wide-nose locomotive not designed in compliance with new approved design standard	5,000	7,500
(3) Wide-nose locomotive not designed in compliance with alternate approved design standard	5,000	7,500
(b) Monocoque or semi-monocoque locomotive not in compliance with design requirements	5,000	7,500
(c) Narrow-nose not in compliance with design requirements	5,000	7,500

229.206 Design requirements:		
Locomotive fails to meet—		
(1) Emergency egress requirements	2,500	5,000
(2) Emergency interior lighting requirements	2,500	5,000
(3) Interior configuration requirements	2,500	5,000
229.213 Locomotive manufacturing information:		
(a) Failure to retain required information	2,500	5,000
(b) Failure to produce required information	2,500	5,000
229.215 Retention and inspection of designs:		
(a) Failure to retain required design records	2,500	5,000
(b) Failure to retain required repair or modification records	2,500	5,000
(c) Failure to make records available when requested	2,500	5,000
229.217 Fuel tank:		
(a) External fuel tank	5,000	7,500
(b) Internal fuel tank	5,000	7,500
Subpart E—Locomotive Electronics		
229.307 Safety analysis:		
(a) Failure to establish and maintain a safety analysis	5,000	10,000
(b) Failure to provide safety analysis upon request	2,500	5,000
(c) Failure to comply with safety analysis	5,000-10,000	15,000
229.309 Safety-critical changes and failure:		
(a)(1) Failure to notify FRA	1,000	2,000
(a)(2) Failure to update safety analysis	3,500	7,000
(a)(4) Failure to notify manufacturer	10,000	15,000
(b) Failure to notify railroad	10,000	15,000
(c) Failure to establish and maintain program	3,500	7,000
229.311 Review of SAs:		
(a) Failure to notify FRA	1,000	2,000
(b) Failure to report	1,000	2,000
(c) Failure to correct safety hazards	5,000-10,000	15,000
(d) Failure to final report	1,000	2,000
229.313 Product testing results and records:		
(a) Failure to maintain records and database	5,000	10,000
(b) Incomplete testing records	3,500	7,000

(c) Improper signature	3,500	7,000
229.315 Operations and maintenance manual:		
(a) Failure to implement and maintain manual	5,000	10,000
(c) Failure to document revisions	5,000	10,000
(d) Failure to follow plan	5,000-10,000	15,000
229.317 Training and qualification program:		
(a) Failure to establish and implement program	5,000	10,000
(b) Failure to conduct training	2,500	5,000
(g) Failure to evaluate program	2,500	5,000
(h) Failure to maintain records	1,500	3,000
229.319 Operating personnel training	2,500	5,000

¹ A penalty may be assessed against an individual only for a willful violation. Generally, when two or more violations of these regulations are discovered with respect to a single locomotive that is used by a railroad, the appropriate penalties set forth above are aggregated up to a maximum of \$28,474 per day. However, a failure to perform, with respect to a particular locomotive, any of the inspections and tests required under subpart B of this part will be treated as a violation separate and distinct from, and in addition to, any substantive violative conditions found on that locomotive. Moreover, the Administrator reserves the right to assess a penalty of up to the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

Failure to observe any condition for movement set forth in § 229.9 will deprive the railroad of the benefit of the movement-for-repair provision and make the railroad and any responsible individuals liable for penalty under the particular regulatory section(s) concerning the substantive defect(s) present on the locomotive at the time of movement. Failure to comply with § 229.19 will result in the lapse of any affected waiver.

[53 FR 52931, Dec. 29, 1988, as amended at 58 FR 36615, July 8, 1993; 61 FR 8888, Mar. 6, 1996; 63 FR 11622, Mar. 10, 1998; 67 FR 16052, Apr. 4, 2002; 69 FR 30594, May 28, 2004; 70 FR 21920, Apr. 27, 2005; 70 FR 37942, June 30, 2005; 71 FR 36915, June 28, 2006; 71 FR 47667, Aug. 17, 2006; 71 FR 63136, Oct. 27, 2006; 72 FR 51197, Sept. 6, 2007; 73 FR 79703, Dec. 30, 2008; 77 FR 21351, Apr. 9, 2012; 77 FR 24421, Apr. 24, 2012; 81 FR 43111, July 1, 2016; 82 FR 16134, Apr. 3, 2017; 83 FR 60748, Nov. 27, 2018]

Part 230—Civil Penalty Schedule*(current as of May 23, 2019)*

Section	Violation	Willful violation
Subpart A—General		
230.11 Repair of non-complying conditions:		
(a) Failure to repair non-complying steam locomotive prior to use in service	\$1,000	\$2,500
(b) Failure of owner and/or operator to approve repairs made prior to use of steam locomotive	1,000	1,500
230.12 Movement of non-complying steam locomotive:	1	1
230.13 Daily inspection:		
(a) (b):		
(1) Inspection overdue	1,500	3,000
(2) Inspection not performed by qualified person	1,000	1,500
(c) Inspection report not made, improperly executed or not retained	1,000	1,500
230.14 Thirty-one service day inspection:		
(a):		
(1) Inspection overdue	1,500	3,000
(2) Inspection not performed by qualified person		
(b) Failure to notify FRA	1,000	1,500
(c) Inspection report not made, improperly executed, not properly filed	1,000	1,500
230.15 Ninety-two service day inspection:		
(a):		
(1) Inspection overdue	1,500	3,000
(2) Inspection not performed by qualified person	1,000	1,500
(b) Inspection report not made, improperly executed, not properly filed	1,000	1,500
230.16 Annual inspection:		
(a):		
(1) Inspection overdue	1,500	3,000
(2) Inspection not performed by qualified person	1,000	1,500
(b) Failure to notify FRA	1,000	1,500
(c) Inspection report not made, improperly executed, not properly filed	1,000	1,500
230.17 One thousand four hundred seventy-two service day inspection:		
(a):		
(1) Inspection overdue	1,500	3,000
(2) Inspection not performed by qualified person	1,250	2,000

(b) Inspection report not made, improperly executed, not properly maintained, not properly filed	1,000	1,500
230.18 Service days:		
(a) Service day record not available for inspection	1,000	1,500
(b) Failure to file service day report with FRA Regional Administrator	1,000	1,500
(c) Failure to complete all 1,472 service day inspection items prior to returning retired steam locomotive to service	1,500	3,000
230.19 Posting of forms:		
(a) FRA Form No. 1:		
(1) FRA Form No. 1 not properly filled out	1,000	1,500
(2) FRA Form No. 1 not properly displayed	1,000	1,500
(b) FRA Form No. 3:		
(1) FRA Form No. 3 not properly filled out	1,000	1,500
(2) FRA Form No. 3 not properly displayed	1,000	1,500
230.20 Alteration and repair reports:		
(a) Alterations:		
(1) Failure to properly file FRA Form No. 19 with FRA Regional Administrator	1,000	1,500
(2) FRA Form No. 19 not properly filled out	1,000	1,500
(3) FRA Form No. 19 not properly maintained	1,000	1,500
(b) Repairs to unstayed portions of the boiler:		
(1) FRA Form No. 19 not properly filled out	1,000	1,500
(2) FRA Form No. 19 not properly maintained	1,000	1,500
(c) Repairs to stayed portions of the boiler:		
(1) FRA Form No. 19 not properly filled out	1,000	1,500
(2) FRA Form No. 19 not properly maintained	1,000	1,500
230.21 Failure to properly document steam locomotive number Change	1,000	1,500
Subpart B—Boilers and Appurtenances		
230.22 Failure to properly report accident resulting from failure of steam locomotive boiler or part or appurtenance thereof	1,500	2,500
230.23 Responsibility for general construction and safe working pressure:		
(a) Failure to properly establish safe working pressure for steam locomotive boiler	5,000	10,000
(b) Placing steam locomotive in service before safe working pressure for boiler has been established	5,000	10,000
230.24 Maximum allowable stress values on boiler components:		
(a) Use of materials not of sufficient tensile strength	1,000	2,000

(b) Use of a safety factor value of less than 4 when using the code of original construction in boiler calculations	2,000	4,000
230.25 Maximum allowable stresses on stays and braces:		
(a) Exceeding allowable stress values on fire box and/or combustion chamber	1,000	2,000
(b) Exceeding allowable stress values on round, rectangular or gusset braces	1,000	2,000
230.29 Inspection and repair:		
(a):		
(1) Failure of owner and/or operator to inspect and repair any steam locomotive boiler and/or appurtenance under control thereof	1,500	3,000
(2) Failure to remove steam locomotive from service when considered necessary to do so	2,500	5,000
(b):		
(1) Failure of perform repairs in accordance with accepted industry standards	2,000	4,000
(2) Owner and/or operator returning steam locomotive boiler and/or appurtenances to service before they are in good condition and safe and suitable for service	2,000	4,000
230.30 Lap-joint seam boilers, Failure to properly inspect	2,000	4,000
230.31 Flues to be removed:		
(a):		
(1) Failure to remove all flues when inspecting boiler	1,500	3,000
(2) Failure to enter boiler and clean and inspect	1,500	3,000
(b) Failure to remove superheater flues when deemed necessary to do so	1,000	2,000
230.32 Time and method of inspection:		
(a) Failure to perform 1,472 service day inspection when required to do so	1,500	3,000
(b) Failure to properly inspect boiler during 1,472 service day inspection	1,500	3,000
230.33 Welded repairs and alterations:		
(a) Failure to obtain permission before welding on unstayed portions of boiler containing alloy or carbon steel with carbon content over .25 percent carbon	1,500	3,000
(b) Failure to perform welding on unstayed portions of boiler containing carbon steel not exceeding .25 percent carbon in accordance with a nationally accepted standard for boiler repairs	1,500	3,000
(c):		
(1) Failure to submit written request for approval before performing weld buildup on wasted areas of unstayed boiler surfaces that exceed 100 square inches or the smaller of 25 percent of minimum required wall thickness or 1/2 inch	1,500	3,000
(2) Repairing wasted sheets	1,500	3,000

230.34 Riveted repairs and alterations:		
(a) Failure to obtain approval before making riveted alterations on unstayed portions of the boiler; failure to do riveting in accordance with established railroad practices or accepted national standards for boiler repairs	1,500	3,000
(b) Failure to perform riveted repairs on unstayed boiler portions in accordance with established railroad practices or accepted national standards for boiler repairs	1,500	3,000
(c) Failure to perform riveted repairs on stayed boiler portions in accordance with established railroad practices or accepted national standards for boiler repairs	1,000	2,000
230.35 Failure to raise temperature of steam locomotive boiler to 70 degrees F. before applying hydrostatic pressure to the boiler	1,000	2,000
230.36 Hydrostatic testing of boilers:		
(a) Failure to perform hydrostatic test of boiler as required	1,500	3,000
(b) Failure to properly perform hydrostatic test	1,500	3,000
(c) Failure to properly inspect boiler after conducting hydrostatic test above MAWP	1,500	3,000
230.37 Failure to perform proper steam test or inspection of boiler after completion of repair or alteration to boiler	1,000	2,000
230.38 Telltale holes:		
(a) Failure to have telltale holes as required in staybolts	1,000	2,000
(b) Failure to have proper telltale holes in reduced body staybolts	1,000	2,000
(c) Failure to keep telltales holes when so required	1,000	2,000
230.39 Broken staybolts:		
(a) Boiler in service with excess number of broken staybolts	1,500	3,000
(b) Failure to replace staybolts when required to do so; to properly replace staybolts when so required; to inspect adjacent staybolts when replacing broken staybolts	1,500	3,000
(c) Failure to count leaking, plugged, or missing telltale holes as broken staybolts	1,500	3,000
(d) Closing telltale holes by prohibited means	1,500	3,000
230.40 Time and method of staybolt testing:		
(a) Failure to hammer test staybolts when so required	1,000	2,000
(b) Failure to properly hammer test staybolts	1,000	2,000
230.41 Flexible staybolts with caps:		
(a) Failure to inspect flexible staybolts as required	1,000	2,000
(b) Failure to replace broken flexible staybolts; failure to close inner ends of telltale holes as required	1,000	2,000

(c) Failure to report removal of flexible staybolts caps and other tests on FRA Form No. 3 when so required	1,000	2,000
(d) Failure to remove staybolt caps or otherwise test when FRA inspector or steam locomotive owner and/or operator consider it necessary to do so	1,000	2,000
230.42 Failure to have accurate boiler steam gauge where engine crew can conveniently read	2,000	4,000
230.43 Failure to have gauge siphon of proper capacity on steam gauge supply pipe; failure to properly clean, maintain the steam gauge supply pipe	1,000	2,000
230.44 Failure to test steam gauge when so required	1,000	2,000
230.45 Failure to properly test and/or set steam gauge	1,000	2,000
230.46 Failure to attach to boiler backhead metal badge plate showing allowable steam pressure	1,000	1,500
230.47 Boiler Number:		
(a) (b) (c) Failure to stamp builder's number on boiler when number is known	1,000	1,500
230.48 Number and capacity of safety relief valves:		
(a) Failure to equip steam locomotive boiler with proper safety relief valves	2,500	5,000
(b) Failure to provide additional safety relief valve capacity when so required	3,000	6,000
230.49 Setting of safety relief valves:		
(a) Safety relief valve(s) set and/or adjusted by person not competent to do so	2,500	5,000
(b) Safety relief valve(s) not set to open at prescribed pressure(s)	2,500	5,000
(c) Safety relief valve(s) not properly set	3,000	6,000
(d) Set pressure of lowest safety relief valve not properly indicated	1,000	2,000
230.50 Failure to test and adjust safety relief valves when required to do so	1,500	3,000
230.51 Failure to equip steam locomotive boiler with at least 2 properly installed water glasses	1,000	2,000
230.52 Failure to properly equip water glasses	2,000	4,000
230.53 Failure to properly clean water glass valves and/or gauge cocks when required to do so	1,000	2,000
230.54 Testing and maintenance:		
(a) Failure to properly test water glasses and/or gauge cocks	1,000	2,000
(b) Failure to properly maintain gauge cocks, water column drain valves, and/or water glass valves	1,500	3,000
230.55 Tubular type water and lubricator glasses and shields:		
(a) Failure to renew tubular type water glasses as required	1,000	2,000
(b) Failure to properly shield tubular water glasses and/or lubricator glasses	1,000	2,000
(c) Failure to properly locate and/or maintain water glasses and/or water glass shields	1,000	2,000

230.56 Failure to equip water glass with suitable lamp	1,000	2,000
230.57 Injectors and feedwater pumps:		
(a) Failure to equip steam locomotive with proper means for delivering water to the boiler	3,000	6,000
(b) Failure to properly test and/or maintain injectors, feedwater pumps, boiler checks, delivery pipes, feed water pipes, tank hose, tank valves	2,500	5,000
(c) Failure to properly brace injectors, feedwater pumps, and/or associated piping	1,000	2,000
230.58 Flue plugs:		
(a) Plugging flue plugs when not otherwise permitted	1,000	2,000
(b) Improperly plugging flue plugs, when otherwise permitted	1,000	2,000
230.59 Failure to remove and properly clean fusible boiler plugs when required to do so; failure to properly note removal	1,500	3,000
230.60 Time of washing:		
(a) Failure to thoroughly wash boiler when required to do so	1,000	2,000
(b) Failure to remove washout plugs, arch tube plugs, thermic siphon plugs, circulator plugs, water bar plugs when washing locomotive boiler	1,500	3,000
(c) Failure to examine and/or properly maintain washout plugs washout plug sleeves, threaded openings	1,500	3,000
(d) Failure to clean fusible plugs when required to do so	1,500	3,000
230.61 Arch tubes, water bar tubes, circulators and thermic siphons:		
(a) Failure to clean, wash, inspect arch tubes, water bar tubes, circulators and thermic siphons as required	1,000	2,000
(b) Failure to renew arch tubes, water bar tubes; failure to repair or renew circulators, thermic siphons when required	1,500	3,000
(c) Failure to properly inspect and/or replace as necessary arch tubes, water bar tubes, circulators	1,500	3,000
230.62 Failure to properly inspect and/or repair or replace as necessary dry pipes subject to pressure	2,500	5,000
230.63 Failure to properly inspect smoke box, steam pipes, pressure parts when required to do so	1,500	3,000
230.64 Failure to remove from service steam locomotive boiler leaking under lagging from condition which may reduce safety and/or repair the boiler before returning to service	1,500	3,000
230.65 Failure to keep steam locomotive boiler, piping, appurtenances in repair so steam does not obscure vision	1,000	2,000

230.66 Failure to properly oversee general design, construction, maintenance of steam locomotive(s) and tender(s)	1,000	2,000
230.67 Failure to ensure all steam locomotives and tenders are properly inspected and repaired and/or all defects are properly repaired and steam locomotive and/or tender are in good condition, safe and suitable for service before being returned to service	2,500	5,000
230.68 Failure to equip steam locomotive that operates in excess of 20 miles per hour over the general system with speed indicator maintained to ensure accurate functioning	1,000	1,500
230.69 Failure to equip steam locomotive with properly supported ash pan with operating mechanism that may be safely operated and securely closed	1,000	2,000
230.70 Safe condition:		
(a) Failure to perform proper pre-departure inspection when so required	1,000	2,000
(b) Failure to properly equip steam locomotive with brake pipe valve clearly identified as "Emergency Brake Valve"	1,000	2,000
230.71 Orifice testing of air compressors:		
(a)(b):		
Failure to properly test and/or maintain air compressor(s) capacity	1,000	2,000
230.72 Testing main reservoirs:		
(a) Failure to properly test main reservoir(s) when required	1,000	2,000
(b) Impermissibly or improperly drilling main reservoir	1,000	2,000
(c) Impermissibly using NDE method to measure wall thickness of main reservoir	1,000	2,000
(d) Failure to use appropriate method of NDE testing of wall thickness of welded or riveted longitudinal lap seam main reservoir(s); failure to withdraw main reservoir(s) from service when testing reveals insufficient wall thickness	1,500	3,000
230.73 Air gauges:		
(a) Failure to equip steam locomotive with properly located air gauge(s) that are no more than 3 psi in error	1,000	1,500
(b) Failure to test air gauge(s) when so required	1,000	1,500
(c) Failure to properly test air gauge(s)	1,000	1,500
230.74 Failure to properly clean and/or test all air brake valves, related dirt collectors, filters when required to do so	1,000	1,500
230.75 Failure to properly stencil or display date of testing and cleaning and initials of shop or station performing work	1,000	1,500
230.76 Piston travel:		
(a) Insufficient minimum piston travel	1,000	1,500

(b) Excessive piston travel when steam locomotive is stationary	1,000	2,000
230.77 Foundation brake gear:		
(a) Failure to properly maintain foundation brake gear	1,000	2,000
(b) Foundation brake gear less than 2.5 inches above rail	1,000	2,000
230.78 Leakage:		
(a):		
(1) Failure to test for leakage from main reservoir or related piping as required	1,000	1,500
(2) Failure to repair excessive leakage from main reservoir or related piping leakage	1,000	2,000
(b) Failure to test for brake cylinder as required	1,000	1,500
(c):		
(1) Failure to test for leakage from steam locomotive brake pipe as required	1,000	2,000
(2) Failure to repair excessive brake pipe leakage	1,000	2,000
230.79 Train signal system:		
(1) Failure to test the train signal system or other form of on-board communication as required	1,000	1,500
(2) Failure to repair train signal system or other on-board communication when not safe or suitable for service	1,000	1,500
230.80 Cabs:		
(a) Steam locomotive cab not safe and suitable for service	1,000	2,000
(b) Steam pipes: Construction, attachment	1,000	2,000
(c) Oil-burning steam locomotive, cab-enclosed	1,000	1,500
230.81 Cab aprons:		
(a) Cab apron, general provisions	1,000	1,500
(b) Cab apron, insufficient width	1,000	1,500
230.82 Fire doors:		
(a) Safe and suitable for service, general provisions	1,000	2,000
(b) Construction and maintenance of mechanically operated fire doors	1,000	2,000
(c) Construction and maintenance of hand-operated fire doors	1,000	2,000
230.83 Cylinder cocks:		
(1) Failure to properly equip with cylinder cocks	1,000	1,500
(2) Failure to properly maintain cylinder cocks	1,000	1,500
230.84 Sanders:		
(1) Inoperable sanders	1,000	1,500
(2) Failure to test sanders	1,000	1,500
230.85 Audible warning devices:		

(a) General provisions	1,000	1,500
(b) Sound level measurements, Failure to properly take	1,000	1,500
230.86 Required illumination:		
(a) General provisions	1,000	1,500
(b) Dimming device, Failure to properly equip with	1,000	1,500
(c) Multiple locomotives, Failure of lead locomotive to display headlight	1,000	1,500
230.87 Cab lights: Failure to properly equip with	1,000	2,000
230.88 Throttles: Failure to properly maintain, equip	1,000	2,000
230.89 Reverse gear:		
(a) General provisions	1,000	2,000
(b) Air-operated power reverse gear	1,000	2,000
(c) Power reverse gear reservoirs	1,000	2,000
230.90 Draw gear and draft systems:		
(a) Maintenance and testing	1,000	1,500
(b) Safety bars and chains, general	1,000	1,500
(c) Safety bars and chains, minimum length	1,000	1,500
(d) Lost motion between steam locomotive and tender	1,000	1,500
(e) Spring buffers: Improper application, compression	1,000	1,500
230.91 Chafing irons: Improper application, maintenance	1,000	1,500
230.92 Draw gear, draft systems: Improperly maintained, fastened	1,000	1,500
230.93 Pistons and piston rods:		
(a) Failure to properly inspect, maintain, renew	1,000	2,000
(b) Fasteners: Failure to keep tight, properly equip	1,000	2,000
230.94 Crossheads: Improperly maintained, excess clearance	1,000	2,000
230.95 Guides: Failure to securely fasten, properly maintain	1,000	2,000
230.96 Main, side, valve motion rods:		
(a) General	1,000	2,000
(b) Repairs		
(1) Failure to make in accordance with accepted national standard	1,000	2,000
(2) Failure to submit written request for approval prior to welding	1,000	2,000
(c) Bearings and bushings	1,000	1,500
(d) Rod side motion: Excessive motion	1,000	1,500
(e) Oil, grease cups: Failure to securely fasten, properly equip	1,000	1,500
(f) Main rod bearings:		

(1) excessive bore	1,000	1,500
(2) excessive lost motion	1,000	1,500
(g) Side rod bearings, excessive bore	1,000	1,500
230.97 Crank pins:		
(a) General provisions	1,000	2,000
(b) Maintenance: Failure to maintain in safe, suitable condition	1,000	2,000
230.98 Driving, trailing, engine truck axles:		
(a) Condemning defects	1,000	2,000
(b) Journal diameter: Failure to stamp on end of axle	750	1,000
230.99 Tender truck axle: Insufficient diameter	1,000	2,000
230.100 Defects in tender truck axles and journals:		
(a) Tender truck axle condemning defects	1,000	2,000
(b) Tender truck journal condemning defects	1,000	2,000
230.101 Steam locomotive driving journal boxes:		
(a) Driving journal boxes: Failure to properly maintain	1,000	2,000
(b) Broken bearings: Failure to renew	1,000	2,000
(c) Loose bearings: Failure to repair or renew	1,000	2,000
230.102 Tender plain bearing journal boxes: Failure to repair	1,000	1,500
230.103 Tender roller bearing journal boxes: Failure to properly maintain	1,000	1,500
230.104 Driving box shoes and wedges: Failure to properly maintain	1,000	1,500
230.105 Lateral motion:		
(a) Condemning limits: Total lateral motion in excess of	1,000	1,500
(b) Limits exceeded, failure to demonstrate conditions require additional lateral motion	1,000	1,500
(c) Interferes with other parts of steam locomotive	1,000	1,500
230.106 Steam locomotive frame:		
(a) Failure to properly inspect and/or maintain	1,000	2,000
(b) Broken frames, not properly patched or secured	2,500	5,000
230.107 Tender frame and body:		
(a) Failure to properly maintain	1,000	1,500
(b) Height difference between tender deck and steam locomotive cab floor or deck excessive	1,000	1,500
(c) Gangway minimum width excessive	1,000	1,500
(d) Tender frame condemning defects	1,500	3,000
230.108 Steam locomotive leading and trailing trucks:		
(a) Failure to properly maintain	1,000	1,500

(b) Safety chain, suitable safety chain not provided	1,000	1,500
(c) Insufficient truck clearance	1,000	2,000
230.109 Tender trucks:		
(a):		
(1) Tender truck frames	1,000	2,000
(2) Tender truck center plate	1,000	2,000
(b) Tender truck bolsters: Failure to properly maintain	1,500	3,000
(c) Condemning defects, springs and/or spring rigging	1,000	2,000
(d) Truck securing arrangement: Not properly maintained	1,000	1,500
(e) Side bearings, truck centering devices	1,000	2,000
(f) Friction side bearings: Run in contact	1,000	2,000
(g):		
(1) Side bearings, failure to equip rear trucks with	1,000	2,000
(2) Insufficient clearance of	1,000	2,000
230.110 Pilots:		
(a) General provisions	1,000	1,500
(b) Clearance, insufficient or excessive	1,000	1,500
230.111 Spring rigging:		
(a) Arrangement of springs and equalizers	1,000	2,000
(b) Spring or spring rigging condemning defects	1,000	2,000
230.112 Wheels and tires:		
(a) Improperly Mounted, excess variance in axle diameter	1,500	3,000
(b) Out of gage	1,000	2,000
(c) Flange distance variance, excessive	1,000	2,000
(d) Tire thickness, insufficient	1,000	2,000
(e) Tire width, insufficient	1,000	2,000
230.113 Wheels and tire defects:		
(1) Failure to repair	1,000	2,000
(2) Welding on, except as otherwise provided for	1,500	3,000
(a) Cracks or breaks in	1,000	2,000
(b) Flat spots	1,000	2,000
(c) Chipped flange	1,000	2,000
(d) Broken rim	1,000	2,000
(e) Shelled-out spots	1,000	2,000

(f) Seams	1,000	2,000
(g) Worn flanges, excessive wear	1,000	2,000
(h) Worn treads, excessive wear	1,000	2,000
(i) Flange height, insufficient or excessive	1,000	2,000
(j) Rim thickness, insufficient	1,000	2,000
(k) Wheel diameter, excessive variance	1,000	2,000
230.114 Wheel centers:		
(a) Filling blocks and shims	1,000	2,000
(b) Wheel center condemning limits, failure to repair	1,000	2,000
(c) Wheel center repairs	1,000	2,000
(d) Counterbalance maintenance	1,000	2,000
230.115 Feed water tanks:		
(a) General provisions	1,000	2,000
(b) Inspection frequency, failure to inspect as required	1,000	1,500
(c) Top of tender: Improperly maintained and/or equipped	1,000	1,500
230.116 Oil tanks:		
(1) Failure to properly maintain	2,500	5,000
(2) Failure to equip with complying safety cut-off device	5,000	7,500

¹ Failure to observe any condition for movement set forth in §230.12 will deprive the railroad of the benefit of the movement-for-repair provision and make the railroad and any responsible individuals liable for penalty under the particular regulatory section(s) concerning the substantive defect(s) present on the locomotive at the time of movement. Failure to comply with §230.12 will result in the lapse of any affected waiver.

Part 231—Schedule of Civil Penalties¹*(current as of May 23, 2019)*

FRA safety appliance defect code section ²	Violation	Willful violation
110.A1 Hand Brake or Hand Brake Part Missing	\$5,000	\$7,500
110.A2 Hand Brake or Hand Brake Part Broken	5,000	7,500
110.A3 Hand Brake or Hand Brake Part Loose or Worn	2,500	5,000
110.B1 Hand Brake Inoperative	5,000	7,500
110.B2 Hand Brake Inefficient	2,500	5,000
110.B3 Hand Brake Improperly Applied	2,500	5,000
110.B4 Hand Brake Incorrectly located	2,500	5,000
110.B5 Hand Brake Shaft Welded or Wrong Dimension	2,500	5,000
110.B6 Hand Brake Shaft Not Retained in Operating Position	2,500	5,000
110.B8 Hand Brake or Hand Brake Parts Wrong Design	2,500	5,000
114.B2 Hand Brake Wheel or Lever Has Insufficient Clearance Around Rim or Handle	2,500	5,000
114.B3 Hand Brake Wheel/Lever Clearance Insufficient to Vertical Plane Through Inside Face of Knuckle	2,500	5,000
120.A1 Brake Step Missing Except by Design	5,000	7,500
120.A2 Brake Step or Brace Broken or Decayed	2,500	5,000
120.A3 Brake Step or Brace Loose	2,500	5,000
120.B1 Brake Step or Brace Bent	2,500	5,000
120.B2 Brake Step or Wrong Dimensions	2,500	5,000
120.C1 Brake Step Improperly Applied	2,500	5,000
120.C2 Brake Step Improperly Located	2,500	5,000
120.C3 Brake Step With Less Than 4" Clearance to Vertical Plane Through Inside Face of Knuckle	2,500	5,000
120.C4 Brake Step Obstructed or Otherwise Unsafe	2,500	5,000
124.A1 Running Board Missing or Part Missing Except By Design	5,000	7,500
124.A2 Running Board Broken or Decayed	5,000	7,500
124.A3 Running Board Loose Presents a Tripping Hazard or Other Unsafe Condition	2,500	5,000
124.A4 Running Board Wrong Material	2,500	5,000
124.B1 Running Board Bent to the Extent that It is Unsafe	2,500	5,000
124.B2 Running Board Wrong Dimensions	2,500	5,000
124.B3 Running Board Wrong Location	2,500	5,000

124.C1	Running Board Improperly Applied	2,500	5,000
124.C2	Running Board Obstructed	2,500	5,000
126.A1	End Platform Missing or Part Except By Design	5,000	7,500
126.A2	End Platform Broken or Decayed	5,000	7,500
126.A3	End Platform Loose	2,500	5,000
126.B1	End Platform or Brace Bent	2,500	5,000
126.B2	End Platform Wrong Dimensions	2,500	5,000
126.C1	End Platform Improperly Applied	2,500	5,000
126.C2	End Platform With Less Than Required Clearance to Vertical Plane Through Inside Knuckle	2,500	5,000
126.C3	End Platform Improperly Located	2,500	5,000
126.C4	End Platform Obstructed	5,000	7,500
128.A1	Platform or Switching Step Missing	5,000	7,500
128.A2	Platform or Switching Step Broken or Decayed	5,000	7,500
128.A3	Platform or Switching Step Loose	2,500	5,000
128.B1	Platform or Switching Step Bent	2,500	5,000
128.B2	Platform or Switching Step Does Not Meet the Required Location or Dimensions	2,500	5,000
128.C1	Platform or Switching Step Improperly Applied or Repaired	2,500	5,000
128.C2	Platform or Switching Step Obstructed	2,500	5,000
128.D1	Switching Step Back Stop or Kick Plate Missing	2,500	5,000
128.D2	Switching Step Not Illuminated When Required	2,500	5,000
128.D3	Non-Illuminated Step Not Painted Contrasting Color	1,000	2,000
130.A1	Sill Step or Additional Tread, Missing	5,000	7,500
130.A2	Sill Step or Additional Tread, Broken	5,000	7,500
130.A3	Sill Step or Additional Tread, Loose	2,500	5,000
130.B1	Sill Step or Additional Tread, Bent	2,500	5,000
130.B2	Sill Step or Additional Tread, Having Wrong Dimensions or Improperly Located	2,500	5,000
130.B3	Sill Step Improperly Applied	2,500	5,000
132.A1	Side Missing Step	5,000	7,500
132.A2	Side Door Step Broken	5,000	7,500
132.A3	Side Door Step Loose	2,500	5,000
132.B1	Side Door Step Bent	2,500	5,000
132.B2	Side Door Step Having Wrong Dimensions	2,500	5,000
134.A1	Ladder Missing	5,000	7,500

134.A2	Ladder Broken	5,000	7,500
134.A3	Ladder Loose	2,500	5,000
134.B1	Ladder Bent	2,500	5,000
134.B2	Ladder Having Wrong Dimensions	2,500	5,000
134.C1	Ladder Improperly Applied	2,500	5,000
134.C2	Ladder Having Insufficient Clearance or Improperly Located	2,500	5,000
134.C3	Ladder Wrong Design	2,500	5,000
134.C4	Ladder Wrong Material	2,500	5,000
134.D1	End Clearance Insufficient	2,500	5,000
136.A1	Ladder Tread or Handholds Missing	5,000	7,500
136.A2	Ladder Tread or Handhold Broken	5,000	7,500
136.A3	Ladder Tread or Handhold Loose Except By Design	2,500	5,000
136.B1	Ladder Tread or Handhold Bent to The Extent That It May Be Unsafe	2,500	5,000
136.B2	Ladder Tread or Handhold Wrong Dimensions	2,500	5,000
136.C1	Ladder Tread or Handhold Improperly Applied	2,500	5,000
136.C2	Ladder Tread or Handhold Having Wrong Clearance	2,500	5,000
136.C3	Ladder or Handhold Improperly Located	2,500	5,000
136.C4	Ladder Tread or Handhold Obstructed	2,500	5,000
136.C5	Ladder Tread Without Footguards	2,500	5,000
138.A1	Hand or Safety Railing Missing	5,000	7,500
138.A2	Hand or Safety Railing Broken	5,000	7,500
138.A3	Hand or Safety Railing Loose Except by Design	2,500	5,000
138.B1	Hand or Safety Railing Bent	2,500	5,000
138.B2	Hand or Safety Railing Wrong Dimensions	2,500	5,000
138.C1	Hand or Safety Railing Improperly Applied	2,500	5,000
138.C2	Hand or Safety Railing Having Less Than the Required Clearance	2,500	5,000
138.C3	Hand or Safety Railing Improperly Located	2,500	5,000
140.A1	Uncoupling Lever Missing	2,500	5,000
140.A2	Uncoupling Lever Broken or Disconnected	2,500	5,000
140.B1	Uncoupling Lever Bent Will not Safely and Reasonably Function As Intended	2,500	5,000
140.C1	Uncoupling Lever Bracket Bent Lever Will Not Function Properly	2,500	5,000
140.C2	Uncoupling Lever Bracket Broken or Missing	2,500	5,000
140.D1	Uncoupling Lever Wrong Dimension	2,500	5,000
140.D2	Uncoupling Lever With Improper Handle Clearance	2,500	5,000

144.A1	Coupler Missing	5,000	7,500
144.B1	Coupler Height Incorrect	2,500	5,000
144.C1	Coupler Inoperative	2,500	5,000
145.A1	Kick Plates Missing	2,500	5,000
145.A2	Kick Plates Broken	2,500	5,000
145.B1	Kick Plates Wrong Dimensions	2,500	5,000
145.B2	Kick Plates Improper Clearance	2,500	5,000
145.B3	Kick Plates Insecure Or Improperly Applied	2,500	5,000
146.A	Notice or Stencil not Posted on Caboose with Running Boards Removed	1,000	2,000
146.B	Safe Means not Provided to Clean or Maintain Windows of Caboose	1,000	2,000
231.31	Drawbars, standard height	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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

² This schedule uses section numbers from FRA's Safety Appliance Defect Code, a restatement of the CFR text in a reorganized format. For convenience, and as an exception to FRA's general policy, penalty citations will cite the defect code rather than the CFR. FRA reserves the right, should litigation become necessary, to substitute in its complaint the CFR and/or statutory citation in place of the defect code section cited in the penalty demand letter.

[53 FR 52933, Dec. 29, 1988, as amended at 63 FR 11623, Mar. 10, 1998; 66 FR 4193, Jan. 17, 2001; 73 FR 79703, Dec. 30, 2008; 77 FR 24421, Apr. 24, 2012; 77 FR 26704, May 7, 2012; 81 FR 43111, July 1, 2016; 83 FR 60748, Nov. 27, 2018]

Part 232—Schedule of Civil Penalties¹

(current as of May 23, 2019)

Section	Violation	Willful violation
Subpart A—General		
232.15 Movement of power brake defects:		
(a) Improper movement, general	1	1
(11) Failure to make determinations and provide notification of en route defect	\$2,500	\$5,000
(b) Complete failure to tag	2,500	5,000
(1) Insufficient tag or record	1,000	2,000
(2), (4) Improper removal of tag	2,000	4,000
(3) Failure to retain record of tag	2,000	4,000
(c) Improper loading or purging	2,500	5,000
(e) Improper placement of defective equipment	2,500	5,000
232.19 Availability of records	1	1
Subpart B—General Requirements		
232.103 All train brake systems:		
(a)-(c), (h)-(i) Failure to meet general design requirements	2,500	5,000
(d) Failure to have proper percentage of operative brakes from Class I brake test	5,000	7,500
(e) Operating with less than 85 percent operative brakes	5,000	7,500
(f) Improper use of car with inoperative or ineffective brakes	2,500	5,000
(g) Improper display of piston travel	2,500	5,000
(m) Failure to stop train with excess air flow or gradient	2,500	5,000
(n) Securement of unattended equipment		
(1) Failure to apply sufficient number of hand brakes; failure to develop or implement procedure to verify number applied	5,000	7,500
(2) Failure to initiate emergency or depend upon air brake	2,500	5,000
(3) Failure to apply hand brakes on locomotives	2,500	5,000
(4) Failure to adopt or comply with procedures for securing unattended locomotive	5,000	7,500
(5) Release of hand brakes before brake system is properly charged	5,000	7,500
(7)(i) Failure to adopt or comply with unattended location plan	2,500	5,000
(8)(i) Failure to verify securement	2,500	5,000
(8)(ii) Failure to apply lock or remove and secure reverser	2,500	5,000
(9) Failure implement operating rule for securement job briefing	2,500	2,500

(10) Failure to adopt and comply with securement procedures for after emergency response	2,500	5,000
(o) Improper adjustment of air regulating devices	2,500	5,000
(p) Failure to hold supervisors jointly responsible	2,500	5,000
232.105 Locomotives:		
(a) Air brakes not in safe and suitable condition	1,000-5,000	2,000-7,500
(b) Not equipped with proper hand or parking brake	5,000	7,500
(c)(1) Failure to inspect/repair hand or parking brake	2,500	5,000
(2) Failure to properly stencil, tag, or record	2,000	4,000
(d) Excess leakage from equalizing reservoir	2,500	5,000
(e) Improper use of feed or regulating valve braking	2,500	5,000
(f) Improper use of passenger position	2,500	5,000
(g) Brakes in operative condition	2,500	5,000
(h)(1) Failure to equip with operative locomotive lock	2,500	5,000
(h)(2)-(h)(3) Failure to inspect or timely repair locomotive lock	2,500	5,000
232.107 Air sources/cold weather operations:		
(a)(1), (2) Failure to adopt or comply with monitoring program for yard air sources	5,000	7,500
(3) Failure to maintain records	2,500	5,000
(b) Failure to blow condensation	2,500	5,000
(c) Use of improper chemicals	5,000	7,500
(d) Failure to equip or drain yard air reservoirs	2,500	5,000
(e) Failure to adopt or comply cold weather operating procedures	5,000	7,500
232.109 Dynamic brakes:		
(a) Failure to provide information	5,000	7,500
(b) Failure to make repairs	5,000	7,500
(c) Failure to properly tag	2,500	5,000
(d) Failure to maintain record of repair	2,000	4,000
(e) Improper deactivation	2,500	5,000
(f) Improper use of locomotive as controlling unit	2,500	5,000
(g) Locomotive not properly equipped with indicator	2,500	5,000
(h) Rebuilt locomotive not properly equipped	2,500	5,000
(j) Failure to adopt or comply with dynamic brake operating rules	5,000	7,500
(k) Failure to adopt or comply with training on operating procedures	5,000	7,500
232.111 Train handling information:		
(a) Failure to adopt and comply with procedures	5,000	7,500

(b) Failure to provide specific information	2,500	5,000
Subpart C—Inspection and Testing Requirements		
232.203 Training requirements:		
(a) Failure to develop or adopt program	7,500	11,000
(b)(1)-(9) Failure to address or comply with specific required item or provision of program	5,000	7,500
(c) Failure to adopt or comply with two-way EOT program	5,000	7,500
(d) Failure to adopt or comply with retaining valve program	5,000	7,500
(e) Failure to maintain adequate records	5,000	7,500
(f) Failure to adopt and comply with periodic assessment plan	7,500	11,000
232.205 Class I brake test—initial terminal inspection:		
(a) Complete failure to perform inspection	¹ 10,000	15,000
(c)(1)-(4), (6)-(8) Partial failure to perform inspection	5,000	7,500
(c)(5) Failure to properly adjust piston travel (per car)	2,500	5,000
(d) Failure to use carman when required	5,000	7,500
(e) Failure to provide proper notification	2,500	5,000
(f) Failure to void compressed air	2,500	5,000
232.207 Class IA brake tests—1,000-mile inspection:		
(a) Complete failure to perform inspection	¹ 5,000	7,500
(b)(1)-(6) Partial failure to perform inspection	2,500	5,000
(c) Failure to properly designate location	5,000	7,500
(c)(1) Failure to perform at designated location	5,000	7,500
(c)(2) Failure to provide notification	2,500	5,000
232.209 Class II brake tests—intermediate inspection:		
(a) Complete failure to perform inspection	¹ 5,000	7,500
(b)(1)-(5), (c) Partial failure to perform inspection	2,500	5,000
(d) Failure to conduct Class I after Class II pick-up	¹	¹
232.211 Class III brake tests—trainline continuity inspection:		
(a) Complete failure to perform inspection	5,000	7,500
(b)(1)-(4), (c) Partial failure to perform inspection	2,500	5,000
(d) Failure to restore air pressure at rear	2,500	2,500
232.213 Extended haul trains:		
(a)(1) Failure to properly designate an extended haul train	5,000	7,500
(a)(2)-(3), (5)(i), (8) Failure to perform inspections	¹	¹

(a)(4) Failure to remove defective car (per car)	2,000	4,000
(a)(5)(ii), (6) Failure to conduct inbound inspection	5,000	7,500
(a)(7) Failure to maintain record of defects (per car)	2,000	4,000
(b) Improper movement or use of extended haul train	5,000	7,500
232.215 Transfer train brake tests:		
(a) Failure to perform inspection	5,000	7,500
(b) Failure to perform on cars added	2,500	5,000
232.217 Train brake system tests conducted using yard air:		
(a) Failure to use suitable device	2,500	5,000
(b) Improper connection of air test device	5,000	7,500
(c) Failure to properly perform inspection	1	1
(d) Failure to calibrate test device	2,500	5,000
(e) Failure to use accurate device	2,500	5,000
232.219 Double heading and helper service:		
(a) Failure to perform inspection or inability to control brakes	2,500	5,000
(b) Failure to make visual inspection	2,500	5,000
(c) Use of improper helper link device	2,500	5,000
Subpart D—Periodic Maintenance and Testing Requirements		
232.303 General requirements:		
(b)-(d) Failure to conduct inspection or test when car on repair track	2,500	5,000
(e) Improper movement of equipment for testing	2,500	5,000
(e)(1) Failure to properly tag equipment for movement	2,000	5,000
(e)(2)-(4) Failure to retain record or improper removal of tag or card	2,000	4,000
(f) Failure to stencil or track test information	2,500	5,000
232.305 Repair track air brake tests:		
(a) Failure to test in accord with required procedure	2,500	5,000
(b)-(d) Failure to perform test	2,500	5,000
232.307 Single car tests:		
(a) Failure to test in accord with required procedure	2,500	5,000
(b)-(c) Failure to perform test	2,500	5,000
232.309 Repair track air brake test and single car test equipment and devices:		
(a)-(f) Failure to properly test or calibrate	2,500	5,000
Subpart E—End-of-Train Devices		
232.403 Design standards for one-way devices:		

(a)-(g) Failure to meet standards	2,500	5,000
232.405 Design standards for two-way devices:		
(a)-(i) Failure to meet standards	2,500	5,000
232.407 Operating requirements for two-way devices:		
(b) Failure to equip a train	5,000	7,500
(c) Improper purchase	2,500	5,000
(f)(1) Failure of device to be armed and operable	5,000	7,500
(f)(2) Insufficient battery charge	2,500	5,000
(f)(3) Failure to activate the device	2,500	5,000
(g) Improper handling of en route failure, freight or other non-passenger	5,000	7,500
(h) Improper handling of en route failure, passenger	5,000	7,500
232.409 Inspection and testing of devices:		
(a) Failure to have unique code	2,500	5,000
(b) Failure to compare quantitative values	2,500	5,000
(c) Failure to test emergency capability	5,000	7,500
(d) Failure to properly calibrate	2,500	5,000
Subpart F—Introduction of New Brake System Technology		
232.503 Process to introduce new technology:		
(b) Failure to obtain FRA approval	10,000	15,000
232.505 Pre-revenue service acceptance testing plan:		
(a) Failure to obtain FRA approval	5,000	7,500
(b) Failure to comply with plan	2,500	5,000
(f) Failure to test previously used technology	5,000	7,500
Subpart G—Electronically Controlled Pneumatic (ECP) Braking Systems		
232.603 Design, interoperability, and configuration management requirements:		
(a) Failure to meet minimum standards	7,500	11,000
(b) Using ECP brake equipment without approval	7,500	11,000
(c) Failure to adopt and comply with a proper configuration management plan	7,500	11,000
232.605 Training Requirements:		
(a) Failure to adopt and comply with a proper training, qualification, and designation program for employees that perform inspection, testing or maintenance	1	1
(b) Failure to amend operating rules	12,500	16,000
(c) Failure to adopt and comply with proper training criteria for locomotive engineers	12,500	16,000
232.607 Inspection and testing requirements:		

(a)(1), (b), (c)(1) Complete or partial failure to perform inspection	1	1
(a)(2) Complete or partial failure to perform pre-departure inspection	7,500	11,000
(c)(1)(iv), (c)(2) Failure to perform visual inspection on a car added en route	4,500	6,500
(d) Failure to perform inspection	1	1
(e)(1), (2) Failure to properly initialize the train	7,500	11,000
(e)(3) Failure to ensure identical consist and system information	7,500	11,000
(f)(1) Failure to apply a proper brake pipe service reduction	1	1
(f)(2) Failure to properly adhere to the proper piston travel ranges	1	1
(g)(1)-(4) Improperly located and guarded cable	7,500	11,000
(g)(5) Condition of cable and connections	7,500	11,000
232.609 Handling of defective equipment with ECP brake systems:		
(a) Failure to have proper percentage of operative brakes from Class I brake test	1	1
(b) Failure to prevent a car known to arrive with defective brakes to depart location where a Class I brake test is required	7,500	11,000
(c) Improper movement of a car equipped with conventional pneumatic brakes	7,500	11,000
(d) Operating with less than 85 percent operative brakes	1	1
(f)(2)(i) Improper placement of defective conventional brake equipment	1	1
(f)(2)(ii) Improper placement of defective ECP brake equipment	7,500	11,000
(g) Improper movement of defective stand-alone ECP brake equipment in a train operating with conventional pneumatic brakes	1	1
(h) Improper movement from initial terminal of stand-alone ECP brake equipment in a conventional brake operated train	1	1
(i) Failure to tag equipment	1	1
(j)(1) Failure to adopt and comply with procedures for the movement of defective equipment	7,500	11,000
(j)(2) Failure to submit list of ECP brake system repair locations	7,500	11,000
232.611 Periodic maintenance:		
(a) Failure to ensure the proper and safe condition of car	7,500	11,000
(b)-(d) Failure to perform test	7,500	11,000
232.613 End-of-train devices:		
(a) Failure to meet design standards for ECP-EOT devices	7,500	11,000
(b) Moving with an improper or improperly connected ECP-EOT device	9,500	13,000

¹ A penalty may be assessed against an individual only for a willful violation. Generally when two or more violations of these regulations are discovered with respect to a single unit of equipment that is placed or continued in service by a railroad, the appropriate penalties set forth above are aggregated up to a maximum of \$28,474 per day. An exception to this rule is the \$15,000 penalty for willful violation of §232.503 (failure to get FRA approval before introducing new technology) with respect to a single unit of equipment; if the unit has additional violative conditions, the penalty may routinely be aggregated to \$15,000. Although the penalties listed for failure to perform the brake inspections and tests under §232.205 through §232.209 may be assessed for each train that is not properly inspected, failure to perform any of the inspections and tests required under those sections will be treated as a violation separate and distinct from, and in addition to, any substantive violative conditions found on the equipment contained in the train consist. Moreover, the Administrator reserves the right to assess a penalty of up to the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

Failure to observe any condition for movement of defective equipment set forth in § 232.15(a) will deprive the railroad of the benefit of the movement-for-repair provision and make the railroad and any responsible individuals liable for penalty under the particular regulatory section(s) concerning the substantive defect(s) present on the equipment at the time of movement.

Failure to provide any of the records or plans required by this part pursuant to § 232.19 will be considered a failure to maintain or develop the record or plan and will make the railroad liable for penalty under the particular regulatory section(s) concerning the retention or creation of the document involved.

Failure to properly perform any of the inspections specifically referenced in § 232.209, § 232.213, § 232.217, and subpart G may be assessed under each section of this part or this chapter, or both, that contains the requirements for performing the referenced inspection.

[66 FR 4193, Jan. 17, 2001, as amended at 69 FR 30594, May 28, 2004; 72 FR 51197, Sept. 6, 2007; 73 FR 61556, Oct. 16, 2008; 73 FR 79703, Dec. 30, 2008; 74 FR 15388, Apr. 6, 2009; 77 FR 24421, Apr. 24, 2012; 80 FR 47836, Aug. 6, 2015; 81 FR 43111, July 1, 2016; 82 FR 16134, Apr. 3, 2017; 83 Fr 60748, Nov. 27, 2018]

Part 233—Schedule of Civil Penalties¹

(current as of May 23, 2019)

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

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 the statutory maximum amount 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; 81 FR 43111, July 1, 2016; 83 FR 60479, Nov. 27, 2018]

Part 234—Schedule of Civil Penalties¹

(current as of May 23, 2019)

Section	Violation	Willful violation
Subpart B—Reports		
234.7 Accidents involving grade crossing signal failure	\$5,000	\$7,500
234.9 Grade crossing signal system failure reports	2,500	5,000
Subpart C—Response to Reports of Warning System Malfunction		
Sec.		
234.101 Employee notification rules	2,500	5,000
234.103 Timely response to report of malfunction	2,500	5,000
234.105 Activation failure		
(a) Failure to notify—train crews	5,000	7,500
Other railroads	5,000	7,500
(b) Failure to notify law enforcement agency	2,500	5,000
(c) Failure to comply with—flagging requirements	5,000	5,000
Speed restrictions	5,000	7,500
(d) Failure to activate horn or whistle	5,000	7,500
234.106 Partial activation		
(a) Failure to notify—train crews	5,000	7,500
Other railroads	5,000	7,500
(b) Failure to notify law enforcement agency	2,500	5,000
(c) Failure to comply with—flagging requirements speed restrictions	5,000	7,500
(d) Failure to activate horn or whistle	5,000	7,500
234.107 False activation		
(a) Failure to notify—train crews	5,000	7,500
Other railroads	5,000	7,500
(b) Failure to notify law enforcement agency	2,500	5,000
(c) Failure to comply with—flagging requirements	5,000	7,500
Speed restrictions	5,000	7,500
(d) Failure to activate horn or whistle	5,000	7,500
234.109 Recordkeeping	1,000	2,000
Subpart D—Maintenance, Inspection, and Testing		
Maintenance Standards:		

234.201	Location of plans	1,000	2,000
234.203	Control circuits	1,000	2,000
234.205	Operating characteristics of warning system apparatus	2,500	5,000
234.207	Adjustment, repair, or replacement of component	2,500	5,000
234.209	Interference with normal functioning of system	5,000	7,500
234.211	Locking of warning system apparatus	1,000	2,000
234.213	Grounds	1,000	2,000
234.215	Standby power system	5,000	7,500
234.217	Flashing light units	1,000	2,000
234.219	Gate arm lights and light cable	1,000	2,000
234.221	Lamp voltage	1,000	2,000
234.223	Gate arm	1,000	2,000
234.225	Activation of warning system	5,000	7,500
234.227	Train detection apparatus	2,500	5,000
234.229	Shunting sensitivity	2,500	5,000
234.231	Fouling wires	1,000	2,000
234.233	Rail joints	1,000	2,000
234.235	Insulated rail joints	1,000	2,000
234.237	Switch equipped with circuit controller	1,000	2,000
234.239	Tagging of wires and interference of wires or tags with signal apparatus	1,000	2,000
234.241	Protection of insulated wire; splice in underground wire	1,000	2,000
234.243	Wire on pole line and aerial cable	1,000	2,000
234.245	Signs	1,000	2,000
Inspections and Tests:			
234.247	Purpose of inspections and tests; removal from service of relay or device failing to meet test requirements	2,500	5,000
234.249	Ground tests	2,500	5,000
234.251	Standby power	5,000	7,500
234.253	Flashing light units and lamp voltage	1,000	2,000
234.255	Gate arm and gate mechanism	1,000	2,000
234.257	Warning system operation	2,500	5,000
234.259	Warning time	1,000	2,000
234.261	Highway traffic signal pre-emption	1,000	2,000
234.263	Relays	1,000	2,000

234.265	Timing relays and timing devices	1,000	2,000
234.267	Insulation resistance tests, wires in trunking and cables	2,500	5,000
234.269	Cut-out circuits	1,000	2,000
234.271	Insulated rail joints, bond wires, and track connections	2,500	5,000
234.273	Results of tests	1,000	2,000
234.275	Processor-Based Systems	\$5,000	\$7,500
Subpart E—Emergency Notification Systems for Telephonic Reporting of Unsafe Conditions at Highway-Rail and Pathway Grade Crossings			
234.303 Emergency notification systems (ENS) for telephonic reporting of unsafe conditions at highway-rail and pathway grade crossings:			
(a) Dispatching railroad fails to establish and maintain a toll-free telephone service by which the railroad can directly and promptly receive telephone calls (calls) from the public of reports of unsafe conditions at crossings		15,000	25,000
(a)(1) Dispatching railroad fails to have either a live person answer calls directly and promptly, or use an automated answering system or third-party telephone service for receiving calls from the public of reports of unsafe conditions at crossings		10,000	15,000
(a)(2) Dispatching railroad improperly uses an automated answering system		10,000	15,000
(b)(1)-(2) Excepted dispatching railroad improperly uses answering machine to receive calls of unsafe conditions at crossings		5,000	7,500
(b)(2) Excepted dispatching railroad fails to use proper method to receive calls of unsafe conditions at crossings during either operational or non-operational hours		5,000	7,500
(e) Dispatching railroad improperly uses local telephone number to receive calls of unsafe conditions at crossings		5,000	7,500
234.305 Remedial actions in response to reports of unsafe conditions at highway-rail and pathway grade crossings:			
<i>Response to credible report of warning system malfunction at a highway-rail grade crossing.</i>			
(a)(1) Maintaining railroad fails under subpart C to follow subpart C of this part ²		5,000	7,500
(a)(2)(i) Dispatching railroad fails to promptly contact all trains authorized to operate through the crossing and inform them of the reported malfunction		5,000	7,500
(ii) Dispatching railroad fails to promptly contact the maintaining railroad and inform it of the reported malfunction		5,000	7,500
<i>Response to public report of warning system malfunction at a highway-rail grade crossing.</i>			

(b)(1)(i) Railroad with both maintaining and dispatching responsibilities fails to promptly contact all trains authorized to operate through the crossing and inform them of the reported malfunction	5,000	7,500
(ii) Railroad with both maintaining and dispatching responsibilities fails to promptly contact the appropriate law enforcement agency and inform it of the reported malfunction	5,000	7,500
(iii) Railroad with both maintaining and dispatching responsibilities fails to promptly investigate the report, determine the nature of the malfunction, and take the appropriate remedial action	5,000	7,500
(b)(2)(i) Railroad with only dispatching responsibility fails to promptly contact all trains authorized to operate through the crossing and inform them of the reported malfunction	5,000	7,500
(ii) Railroad with only dispatching responsibility fails to promptly contact the appropriate law enforcement agency and inform it of the reported malfunction	5,000	7,500
(iii) Railroad with only dispatching responsibility fails to promptly contact the maintaining railroad and inform it of the reported malfunction	5,000	7,500
(iv) Maintaining railroad fails to promptly investigate the report, determine the nature of the malfunction, and take the appropriate remedial action	5,000	7,500
<i>Response to report of warning system failure at a pathway grade crossing.</i>		
(c)(1)(i) Railroad with both maintaining and dispatching responsibilities fails to promptly contact all trains authorized to operate through the crossing and inform them of the reported failure	5,000	7,500
(ii) Railroad with both maintaining and dispatching responsibilities fails to promptly contact the appropriate law enforcement agency and inform it of the reported failure	5,000	7,500
(iii) Railroad with both maintaining and dispatching responsibilities fails to promptly investigate the report, determine the nature of the failure, and without undue delay repair the active warning system if necessary	5,000	7,500
(c)(2)(i) Railroad with only dispatching responsibility fails to promptly contact all trains authorized to operate through the crossing and inform them of the reported failure	5,000	7,500
(ii) Railroad with only dispatching responsibility fails to promptly contact the appropriate law enforcement agency and inform it of the reported failure	5,000	7,500
(iii) Railroad with only dispatching responsibility fails to promptly contact the maintaining railroad and inform it of the reported failure	5,000	7,500
(iv) Maintaining railroad fails to promptly investigate the report, determine the nature of the failure, and without undue delay repair the active warning system if necessary	5,000	7,500
<i>Response to report of a disabled vehicle or other obstruction blocking a railroad track at a highway-rail or pathway grade crossing.</i>		
(d)(1)(i) Railroad with both maintaining and dispatching responsibilities fails to promptly contact all trains authorized to operate through the crossing and inform them of the reported obstruction	5,000	7,500

(ii) Railroad with both maintaining and dispatching responsibilities fails to promptly contact the appropriate law enforcement agency and inform it of the reported obstruction	5,000	7,500
(iii) Railroad with both maintaining and dispatching responsibilities fails to promptly investigate the report, determine the nature of the obstruction, and without undue delay take the necessary action to have the obstruction removed	5,000	7,500
(d)(2)(i) Railroad with only dispatching responsibility fails to promptly contact all trains authorized to operate through the crossing and inform them of the reported obstruction	5,000	7,500
(ii) Railroad with only dispatching responsibility fails to promptly contact the appropriate law enforcement agency and inform it of the reported obstruction	5,000	7,500
(iii) Railroad with only dispatching responsibility fails to promptly contact the maintaining railroad and inform it of the reported obstruction	5,000	7,500
(iv) Maintaining railroad fails to promptly investigate the report, determine the nature of the obstruction, and without undue delay take the necessary action to have the obstruction removed	5,000	7,500
<i>Special rule on contacting a train that is not required to have communication equipment.</i>		
(e) Having received a report pursuant to § 234.303(c)(1), (c)(2), (d)(1), or (d)(2), railroad fails to promptly contact the occupied controlling locomotive of the train by the quickest means available consistent with § 220.13(a) of this chapter	5,000	7,500
<i>Response to report of an obstruction of view at a highway-rail or pathway grade crossing.</i>		
(f)(1) Railroad with both maintaining and dispatching responsibilities fails to timely investigate the report and remove the obstruction if it is lawful and feasible to do so	5,000	7,500
(f)(2)(i) Railroad with only dispatching responsibility fails to promptly contact the maintaining railroad	5,000	7,500
(ii) Maintaining railroad fails to timely investigate the report and remove the obstruction if it is lawful and feasible to do so	5,000	7,500
<i>Response to report of other unsafe condition at a highway-rail or pathway grade crossing.</i>		
(g)(1) Railroad with both maintaining and dispatching responsibilities fails to timely investigate the report, and timely correct the unsafe condition if it is lawful and feasible to do so	5,000	7,500
(g)(2) Railroad with only dispatching responsibility fails to promptly contact the maintaining railroad	5,000	7,500
(g)(3) Maintaining railroad fails to timely investigate the report, and timely correct the unsafe condition if it is lawful and feasible to do so	5,000	7,500

<i>Maintaining railroad's responsibilities for receiving reports of unsafe conditions at highway-rail and pathway grade crossings.</i>		
(h)(1)(i) Maintaining railroad fails to provide sufficient contact information to dispatching railroad, by which the dispatching railroad may timely contact the maintaining railroad upon receipt of a report	5,000	7,500
(ii) Maintaining railroad fails either to have a live person answer calls directly and promptly, or to use an automated answering system for receiving calls from the dispatching railroad of a report of an unsafe condition	10,000	15,000
(iii) Dispatching railroad improperly uses an automated answering system	10,000	15,000
(h)(2)(i)-(ii) Excepted maintaining railroad fails to use proper method to receive calls of unsafe conditions at crossings during operational or non-operational hours	5,000	7,500
234.306 Multiple dispatching or maintaining railroads with respect to the same highway-rail or pathway grade crossing; appointment of responsible railroad:		
(a)(1) Each of the dispatching railroads for the crossing fails to appoint a primary dispatching railroad for the crossing	10,000	15,000
(a)(1)(i)-(iv) The primary dispatching railroad for the crossing fails to carry out one of the prescribed duties	5,000	7,500
(a)(2) Another pertinent dispatching railroad for the crossing fails to carry out remedial action as required by § 234.305	5,000	7,500
(b)(1) Each of the maintaining railroads for the crossing fails to appoint one maintaining railroad responsible for the placement and maintenance of the ENS sign(s)	5,000	7,500
(b)(2) The assigned maintaining railroad in § 234.306(b)(1) fails to display on the ENS sign(s) the emergency telephone number of the dispatching railroad or primary dispatching railroad for the crossing	5,000	7,500
(c)(1) The dispatching railroad or primary dispatching railroad fails to promptly contact and inform the appropriate maintaining railroad(s) for the crossing of the reported problem	5,000	7,500
(c)(2) The maintaining railroad fails to carry out remedial action as required by § 234.305	10,000	15,000
234.307 Use of third-party telephone service by dispatching and maintaining railroads ³ :		
(a)(1) Dispatching railroad improperly uses third-party telephone service	10,000	15,000
(a)(2) Dispatching railroad fails to ensure third-party telephone service compliance with § 234.307	10,000	15,000
(b)(1) Maintaining railroad improperly uses third-party telephone service	10,000	15,000
(b)(2) Maintaining railroad fails to ensure third-party telephone service compliance with § 234.307	10,000	15,000

(d)(1) Railroad fails to provide sufficient contact information to third-party telephone service	2,500	5,000
(d)(2)(i) Railroad fails to inform FRA in writing before the implementation of a third-party telephone service	2,500	5,000
(ii) Railroad fails to provide FRA with contact information for the third-party telephone service	2,500	5,000
(iii) Railroad fails to provide FRA with information identifying the crossings about which the third-party telephone service will receive reports	2,500	5,000
(d)(3) Railroad fails to inform FRA in writing within 30 days following any changes in the use of, or the discontinuance of, third-party telephone service	2,500	5,000
(d)(4) ⁴ Dispatching or maintaining railroad fails to take appropriate action required by § 234.305.		
(e) ⁵ Railroad fails to ensure third-party telephone service compliance with § 234.313 or § 234.315, as applicable.		
234.309 ENS signs in general:		
(a) Dispatching railroad fails to provide ENS telephone number to the maintaining railroad a minimum of 180 days prior to the required implementation date of the ENS	2,500	5,000
(b)(1)-(3) ⁶ Responsible railroad fails to display minimum required information on ENS sign	5,000	7,500
(c)(1)-(4) ⁷ Responsible railroad fails to display ENS sign that meets size and other physical requirements	5,000	7,500
234.311 ENS sign placement and maintenance:		
(a)(1)-(2) Responsible railroad fails to place and maintain required number of sign(s) at the crossing or entrance(s) to facility	5,000	7,500
(b)(1)-(2) Responsible railroad fails to properly locate and maintain the sign(s) at the crossing	5,000	7,500
234.313 Recordkeeping:		
(a)(1)-(9) Railroad fails to maintain in its records the minimum information required for each ENS report received	2,500	5,000
(c)(1)-(2) Responsible railroad(s) fail(s) to record in writing an appointment of a railroad, pursuant to § 234.306, or properly retain a copy of the document	2,500	5,000
(d)(1) Railroad fails to properly retain records	2,500	5,000
(d)(2) Railroad fails to provide FRA access to records	2,500	5,000
234.315 Electronic recordkeeping:		
(a)-(b) Railroad fails to comply with electronic recordkeeping requirements	2,500	5,000
Subpart F—Highway-Rail and Pathway Crossing Inventory Reporting		
§ 234.403 Submission of data to the Crossing Inventory:		

(b) Failure to complete Inventory Form (or electronic equivalent) in accordance with the Inventory Guide	\$1,000	\$2,000
(c) Class I railroad failure to submit crossing data to the Crossing Inventory electronically	1,000	2,000
§ 234.405 Submission of initial data to the Crossing Inventory for previously unreported crossings		
(a) Primary operating railroad failure to timely submit an accurate Inventory Form (or electronic equivalent) to the Crossing Inventory for previously unreported crossing	2,500	5,000
(b) Operating railroad failure to timely submit accurate partial crossing data to the Crossing Inventory for previously unreported crossing	2,500	5,000
(c) Operating railroad failure to provide written notification to FRA that the primary operating railroad failed to timely report previously unreported crossing	1,000	2,000
§ 234.407 Submission of initial data to the Crossing Inventory for new crossings:		
(a) Primary operating railroad failure to timely submit an accurate Inventory Form (or electronic equivalent) to the Crossing Inventory for new crossing	2,500	5,000
(b) Operating railroad failure to timely submit accurate partial crossing data to the Crossing Inventory for new crossing	2,500	5,000
(c) Operating railroad failure to provide written notification to FRA that the primary operating railroad failed to timely report new crossing	1,000	2,000
§ 234.409 Submission of periodic updates to the Crossing Inventory:		
(a) Primary operating railroad failure to timely submit up-to-date and accurate crossing data to the Crossing Inventory for highway-rail or pathway crossing	2,500	5,000
(b) Operating railroad failure to timely submit up-to-date and accurate partial crossing data to the Crossing Inventory for highway-rail or pathway crossing	2,500	5,000
§ 234.411 Changes requiring submission of updated information to the Crossing Inventory:		
(a) Failure to timely report crossing sale to the Crossing Inventory	2,500	5,000
(b) Primary operating railroad failure to timely report crossing closure to the Crossing Inventory	2,500	5,000
(c) Primary operating railroad failure to timely submit up-to-date and accurate crossing data to the Crossing Inventory after change in crossing characteristics	2,500	5,000
§ 234.413 Recordkeeping	1,000	2,000
§ 234.415 Electronic Recordkeeping	1,000	2,000

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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A. To facilitate the assessment of penalty amounts, the specific types of violations of a given section are sometimes designated by the paragraph of the section (e.g., “(a)”) and a code not corresponding to the legal citation for the violation (e.g., “(1)”), so that the complete citation in the penalty schedule is e.g., “(a)(1).” FRA reserves the right to revise the citation of the violation in the Summary of Alleged Violations issued by FRA in the event of litigation.

² Either this section or the parallel section of subpart C of this part may be cited, but not both.

³ FRA does not plan to assess civil penalties against a third-party telephone service, under § 234.307(c) or (e). However, FRA plans to assess violations against the dispatching and maintaining railroads for failing to ensure that the third-party telephone service complies with the requirements of §§ 234.307, 234.313, or 234.315, if applicable. *See* § 234.307(a), (b), (e).

⁴ For a violation of § 234.307(d)(4), a penalty should be assessed for the specific type of violation according to the penalty schedule for a violation of § 234.305.

⁵ For a violation of § 234.307(e) pertaining to recordkeeping, a penalty should be assessed for the specific type of violation in the penalty schedule for a violation of §§ 234.313 or 234.315, as applicable.

⁶ FRA reserves the right to cite a violation for each item of required information omitted from a sign.

⁷ FRA reserves the right to cite a violation for each physical characteristic that is nonconforming.

[61 FR 31806, June 20, 1996, as amended at 63 FR 11623, Mar. 10, 1998; 69 FR 30595, May 28, 2004; 70 FR 11094, Mar. 7, 2005; 73 FR 76704, Dec. 30, 2008; 77 FR 24422, Apr. 24, 2012; 80 FR 786, Jan. 6, 2015; 80 FR 30364, May 28, 2015; 81 FR 37534, June 10, 2016; 81 FR 43111, July 1, 2016; 83 FR 60749, Nov. 27, 2018]

Part 235—Schedule of Civil Penalties¹

(current as of May 23, 2019)

Section	Violation	Willful violation
235.5 Changes requiring filing of application	\$5,000	\$7,500

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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[53 FR 52936, Dec. 29, 1988, as amended at 69 FR 62818, Oct. 28, 2004; 77 FR 24422, Apr. 24, 2012; 81 FR 43112, July 1, 2016; 83 FR 60749, Nov. 27, 2018]

Part 236—Civil Penalties^{1,2}*(current as of May 23, 2019)*

Section	Violation	Willful violation
Subpart A—Rules and Instructions—All Systems		
<i>General:</i>		
236.0 Applicability, minimum requirements	\$2,500	\$5,000
236.1 Plans, where kept	1,000	2,000
236.2 Grounds	1,000	2,000
236.3 Locking of signal apparatus housings:		
(a) Power interlocking machine cabinet not secured against unauthorized entry	2,500	5,000
(b) other violations	1,000	2,000
236.4 Interference with normal functioning of device	5,000	7,500
236.5 Design of control circuits on closed circuit principle	1,000	2,000
236.6 Hand-operated switch equipped with switch circuit controller	1,000	2,000
236.7 Circuit controller operated by switch-and-lock movement	1,000	2,000
236.8 Operating characteristics of electro-magnetic, electronic, or electrical apparatus	1,000	2,000
236.9 Selection of circuits through indicating or annunciating instruments	1,000	2,000
236.10 Electric locks, force drop type; where required	1,000	2,000
236.11 Adjustment, repair, or replacement of component	2,500	5,000
236.12 Spring switch signal protection; where required	1,000	2,000
236.13 Spring switch; selection of signal control circuits through circuit controller	1,000	2,000
236.14 Spring switch signal protection; requirements	1,000	2,000
236.15 Timetable instructions	1,000	2,000
236.16 Electric lock, main track releasing circuit:		
(a) Electric lock releasing circuit on main track extends into fouling circuit where turnout not equipped with derail at clearance point either pipe-connected to switch or independently locked, electrically	2,500	5,000
(b) other violations	1,000	2,000
236.17 Pipe for operating connections, requirements	1,000	2,000
236.18 Software management control plan:		
Failure to develop and adopt a plan	\$5,000	\$10,000
Failure to fully implement plan	5,000	10,000
Inadequate plan	2,500	10,000

<i>Roadway Signals and Cab Signals —</i>		
236.21 Location of roadway signals	1,000	2,000
236.22 Semaphore signal arm; clearance to other objects	1,000	2,000
236.23 Aspects and indications	1,000	2,000
236.24 Spacing of roadway signals	2,500	5,000
236.26 Buffing device, maintenance	1,000	2,000
<i>Track Circuits —</i>		
236.51 Track circuit requirements:		
(a) Shunt fouling circuit used where permissible speed through turnout greater than 45 m.p.h	2,500	5,000
(b) Track relay not in de-energized position or device that functions as track relay not in its most restrictive state when train, locomotive, or car occupies any part of track circuit, except fouling section of turnout of hand-operated main-track crossover	2,500	5,000
(c) other violations	1,000	2,000
236.52 Relayed cut-section	1,000	2,000
236.53 Track circuit feed at grade crossing	1,000	2,000
236.54 Minimum length of track circuit	1,000	2,000
236.55 Dead section; maximum length	1,000	2,000
236.56 Shunting sensitivity	2,500	5,000
236.57 Shunt and fouling wires:		
(a) Shunt or fouling wires do not consist of at least two discrete conductors	2,500	5,000
(b) other violations	1,000	2,000
236.58 Turnout, fouling section:		
(a) Rail joint in shunt fouling section not bonded	2,500	5,000
(b) other violations	1,000	2,000
236.59 Insulated rail joints	1,000	2,000
236.60 Switch shunting circuit; use restricted	2,500	5,000
<i>Wires and Cables —</i>		
236.71 Signal wires on pole line and aerial cable	1,000	2,000
236.73 Open-wire transmission line; clearance to other circuits	1,000	2,000
236.74 Protection of insulated wire; splice in underground wire	1,000	2,000
236.76 Tagging of wires and interference of wires or tags with signal apparatus	1,000	2,000
<i>Inspections and Tests; All Systems —</i>		
236.101 Purpose of inspection and tests; removal from service or relay or device failing to meet test requirements	2,500	5,000

236.102	Semaphore or search-light signal mechanism	1,000	2,000
236.103	Switch circuit controller or point detector	1,000	2,000
236.104	Shunt fouling circuit	1,000	2,000
236.105	Electric lock	1,000	2,000
236.106	Relays	1,000	2,000
236.107	Ground tests	1,000	2,000
236.108	Insulation resistance tests, wires in trunking and cables:		
	(a) Circuit permitted to function on a conductor having insulation resistance value less than 200,000 ohms	2,500	5,000
	(b) other violations	1,000	2,000
236.109	Time releases, timing relays and timing devices	1,000	2,000
236.110	Results of tests	1,000	2,000
Subpart B—Automatic Block Signal Systems			
236.201	Track circuit control of signals	1,000	2,000
236.202	Signal governing movements over hand-operated switch	1,000	2,000
236.203	Hand-operated crossover between main tracks; protection	1,000	2,000
236.204	Track signaled for movements in both directions, requirements	1,000	2,000
236.205	Signal control circuits; requirements	1,000	2,000
236.206	Battery or power supply with respect to relay; location	1,000	2,000
Subpart C—Interlocking			
236.207	Electric lock on hand-operated switch; control:		
	(a) Approach or time locking of electric lock on hand-operated switch can be defeated by unauthorized use of emergency device which is not kept sealed in the non-release position	2,500	5,000
	(b) other violations	1,000	2,000
236.301	Where signals shall be provided	1,000	2,000
236.302	Track circuits and route locking	1,000	2,000
236.303	Control circuits for signals, selection through circuit controller operated by switch points or by switch locking mechanism	1,000	2,000
236.304	Mechanical locking or same protection effected by circuits	1,000	2,000
236.305	Approach or time locking	1,000	2,000
236.306	Facing point lock or switch-and-lock movement	1,000	2,000
236.307	Indication locking:		
236.308	Mechanical or electric locking or electric circuits; requisites	1,000	2,000
236.309	Loss of shunt protection; where required:		

(a) Loss of shunt of five seconds or less permits release of route locking of power-operated switch, movable point frog, or derail	2,500	5,000
(b) Other violations	1,000	2,000
236.310 Signal governing approach to home signal	1,000	2,000
236.311 Signal control circuits, selection through track relays or devices functioning as track relays and through signal mechanism contacts and time releases at automatic interlocking	1,000	2,000
236.312 Movable bridge, interlocking of signal appliances with bridge devices:		
(a) Emergency bypass switch or device not locked or sealed	2,500	5,000
(b) other violations	1,000	2,000
236.314 Electric lock for hand-operated switch or derail:		
(a) Approach or time locking of electric lock at hand-operated switch or derail can be defeated by unauthorized use of emergency device which is not kept sealed in non-release position	2,500	5,000
(b) other violations	1,000	2,000
<i>Rules and Instructions —</i>		
236.326 Mechanical locking removed or disarranged; requirement for permitting train movements through interlocking	1,000	2,000
236.327 Switch, movable-point frog or split-point derail	1,000	2,000
236.328 Plunger of facing-point	1,000	2,000
236.329 Bolt lock	1,000	2,000
236.330 Locking dog of switch and lock movement	1,000	2,000
236.334 Point detector	1,000	2,000
236.335 Dogs, stops and trunnions of mechanical locking	1,000	2,000
236.336 Locking bed	1,000	2,000
236.337 Locking faces of mechanical locking; fit	1,000	2,000
236.338 Mechanical locking required in accordance with locking sheet and dog chart	1,000	2,000
236.339 Mechanical locking; maintenance requirements	1,000	2,000
236.340 Electromechanical interlocking machine; locking between electrical and mechanical levers	1,000	2,000
236.341 Latch shoes, rocker links, and quadrants	1,000	2,000
236.342 Switch circuit controller	1,000	2,000
<i>Inspection and Tests —</i>		
236.376 Mechanical locking	1,000	2,000
236.377 Approach locking	1,000	2,000
236.378 Time locking	1,000	2,000

236.379	Route locking	1,000	2,000
236.380	Indication locking	1,000	2,000
236.381	Traffic locking	1,000	2,000
236.382	Switch obstruction test	1,000	2,000
236.383	Valve locks, valves, and valve magnets	1,000	2,000
236.384	Cross protection		
236.386	Restoring feature on power switches		
236.387	Movable bridge locking	1,000	2,000
Subpart D—Traffic Control Systems Standards			
236.401	Automatic block signal system and interlocking standards applicable to traffic control systems:		
236.402	Signals controlled by track circuits and control operator	1,000	2,000
236.403	Signals at controlled point	1,000	2,000
236.404	Signals at adjacent control points	1,000	2,000
236.405	Track signaled for movements in both directions, change of direction of traffic	1,000	2,000
236.407	Approach or time locking; where required	1,000	2,000
236.408	Route locking	1,000	2,000
236.410	Locking, hand-operated switch; requirements:		
	(a) Hand-operated switch on main track not electrically or mechanically locked in normal position where signal not provided to govern movement to main track, movements made at speeds in excess of 20 m.p.h., and train or engine movements may clear main track	2,500	5,000
	(b) Hand-operated switch on signaled siding not electrically or mechanically locked in normal position where signal not provided to govern movements to signaled siding, train movements made at speeds in excess of 30 m.p.h., and train or engine movements may clear signaled siding	2,500	5,000
	(c) Approach or time locking of electric lock at hand-operated switch can be defeated by use of emergency release device of electric lock which is not kept sealed in non-release position	2,500	5,000
	(d) other violations	1,000	2,000
<i>Rules and Instructions —</i>			
236.426	Interlocking rules and instructions applicable to traffic control systems	1,000	2,000
236.476	Interlocking inspections and tests applicable to traffic control systems	1,000	2,000
Subpart E—Automatic Train Stop, Train Control and Cab Signal Systems Standards			
236.501	Forestalling device and speed control	1,000	2,000

236.502	Automatic brake application, initiation by restrictive block conditions stopping distance in advance	1,000	2,000
236.503	Automatic brake application; initiation when predetermined rate of speed exceeded	1,000	2,000
236.504	Operations interconnected with automatic block-signal system	1,000	2,000
236.505	Proper operative relation between parts along roadway and parts on locomotive	1,000	2,000
236.506	Release of brakes after automatic application	1,000	2,000
236.507	Brake application; full service	1,000	2,000
236.508	Interference with application of brakes by means of brake valve	1,000	2,000
236.509	Two or more locomotives coupled	1,000	2,000
236.511	Cab signals controlled in accordance with block conditions stopping distance in advance	1,000	2,000
236.512	Cab signal indication when locomotive enters blocks	1,000	2,000
236.513	Audible indicator	1,000	2,000
236.514	Interconnection of cab signal system with roadway signal system	1,000	2,000
236.515	Visibility of cab signals	1,000	2,000
236.516	Power supply	1,000	2,000
<i>Rules and Instructions; Roadway—</i>			
236.526	Roadway element not functioning properly	2,500	5,000
236.527	Roadway element insulation resistance	1,000	2,000
236.528	Restrictive condition resulting from open hand-operated switch; requirement	1,000	2,000
236.529	Roadway element inductor; height and distance from rail	1,000	2,000
236.531	Trip arm; height and distance from rail	1,000	2,000
236.532	Strap iron inductor; use restricted	1,000	2,000
236.534	Rate of pressure reduction; equalizing reservoir or brake pipe	1,000	2,000
236.551	Power supply voltage	1,000	2,000
236.552	Insulation resistance	1,000	2,000
236.553	Seal, where required	2,500	5,000
236.554	Rate of pressure reduction; equalizing reservoir or brake pipe	1,000	2,000
236.555	Repaired or rewound receiver coil	1,000	2,000
236.556	Adjustment of relay	1,000	2,000
236.557	Receiver; location with respect to rail	1,000	2,000
236.560	Contact element, mechanical trip type; location with respect to rail	1,000	2,000
236.562	Minimum rail current required	1,000	2,000
236.563	Delay time	1,000	2,000

236.564	Acknowledging time	1,000	2,000
236.565	Provision made for preventing operation of pneumatic brake-applying apparatus by double-heading clock; requirement	1,000	2,000
236.566	Locomotive of each train operating in train stop, train control or cab signal territory; equipped	5,000	7,500
236.567	Restrictions imposed when device fails and/or is cut out en route:		
(a)	Report not made to designated officer at next available point of communication after automatic train stop, train control, or cab signal device fails and/or is cut en route	5,000	7,500
(b)	Train permitted to proceed at speed exceeding 79 m.p.h. where automatic train stop, train control, or cab signal device fails and/or is cut out en route when absolute block established in advance of train on which device is inoperative	5,000	7,500
(c)	other violations	1,000	2,000
236.568	Difference between speeds authorized by roadway signal and cab signal; action	1,000	2,000
<i>Inspection and Tests; Roadway—</i>			
236.576	Roadway element	1,000	2,000
236.577	Test, acknowledgement, and cut-in circuits	1,000	2,000
<i>Inspection and Tests; Locomotive—</i>			
236.586	Daily or after trip test	2,500	5,000
236.587	Departure test:		
(a)	Test of automatic train stop, train control, or cab signal apparatus on locomotive not made on departure of locomotive from initial terminal if equipment on locomotive not cut out between initial terminal and equipped territory	5,000	7,500
(b)	Test of automatic train stop, train control, or cab signal apparatus on locomotive not made immediately on entering equipped territory, if equipment on locomotive cut out between initial terminal and equipped territory	5,000	7,500
(c)	Automatic train stop, train control, or cab signal apparatus on locomotive making more than one trip within 24-hour period not given departure test within corresponding 24-hour period	5,000	7,500
(d)	other violations	2,500	5,000
236.588	Periodic test	2,500	5,000
236.589	Relays	2,500	5,000
236.590	Pneumatic apparatus:		
(a)	Automatic train stop, train control, or cab signal apparatus not inspected and cleaned at least once every 736 days	2,500	5,000
(b)	other violations	1,000	2,000

Subpart F—Dragging Equipment and Slide Detectors and Other Similar Protective Devices; Standards		
236.601 Signals controlled by devices; location	1,000	2,000
Subpart H—Standards for Processor-Based Signal and Train Control Systems		
236.905 Railroad Safety Program Plan (RSPP):		
Failure to develop and submit RSPP when required	5,000	7,500
Failure to obtain FRA approval for a modification to RSPP	5,000	7,500
236.907 Product Safety Plan (PSP):		
Failure to develop a PSP	5,000	7,500
Failure to submit a PSP when required	5,000	7,500
236.909 Minimum Performance Standard:		
Failure to make analyses or documentation available	2,500	5,000
Failure to determine that the standard has been met	5,000	7,500
236.913 Notification to FRA of PSPs:	2,500	5,000
Failure to prepare a PSP or PSP amendment as required	5,000	7,500
Failure to submit a PSP or PSP amendment as required	5,000	7,500
Field testing without authorization or approval	10,000	20,000
236.915 Implementation and operation:		
(a) Operation of product without authorization or approval	10,000	20,000
(b) Failure to comply with PSP	2,500	5,000
(c) Interference with normal functioning safety-critical product	7,500	15,000
(d) Failure to determine cause and adjust, repair or replace without undue delay or take appropriate action pending repair	5,000	7,500
236.917 Retention of records:		
Failure to maintain records as required	7,500	15,000
Failure to report inconsistency	10,000	20,000
Failure to take prompt countermeasures	10,000	20,000
Failure to provide final report	2,500	5,000
236.919 Operations and Maintenance Manual	3,000	6,000
236.921 Training and qualification program, general	3,000	6,000
236.923 Task analysis and basic requirements:		
Failure to develop an acceptable training program	2,500	5,000
Failure to train persons as required	2,500	5,000
Failure to conduct evaluation of training program as required	2,500	5,000

Failure to maintain records as required	1,500	3,000
236.925 Training specific to control office personnel	2,500	5,000
236.927 Training specific to locomotive engineers and other operating personnel	2,500	5,000
236.929 Training specific to roadway workers	2,500	5,000
Subpart I—Positive Train Control Systems		
236.1005 Positive Train Control System Requirements:		
Failure to timely complete PTC system installation on track segment where PTC is required	16,000	25,000
Commencement of revenue service prior to obtaining PTC System Certification	16,000	25,000
Failure of the PTC system to perform a safety-critical function required by this section	5,000	7,500
Operating outside the limits of an approved <i>de minimis</i> exception	15,000	25,000
Failure to integrate a hazard detector	15,000	25,000
Non-compliant event recorder	2,500	5,000
Failure of event recorder	2,500	5,000
Failure to provide notice, obtain approval, or follow a condition for temporary rerouting when required	5,000	7,500
Exceeding the allowed percentage of controlling locomotives operating out of an initial terminal after receiving a failed initialization	5,000	7,500
236.1006 Equipping locomotives operating in PTC territory:		
Failure to adhere to a PTCIP.	2	2
Operating in PTC territory a controlling locomotive without a required and operative PTC onboard apparatus	15,000	25,000
Operating with a PTC onboard apparatus that is not functioning in accordance with the applicable PTCSP..	15,000	25,000
Failure to report as prescribed by this section	5,000	7,500
Non-compliant operation of unequipped trains in PTC territory	15,000	25,000
Failure to equip locomotives in accordance with the applicable PTCIP	15,000	25,000
Failure to comply with conditions of a yard movement exception	2	2
Improper arrangement of the PTC system onboard apparatus	2,500	5,000
Engineer performing prohibited duties	5,000	7,500
236.1007 Additional requirements for high-speed service:		
Installing or operating a PTC system without the required safety-critical functional attributes of a block signal system	15,000	25,000
Operation of passenger trains at speed equal to or greater than 60 mph on non-PTC-equipped territory where required	15,000	25,000

Operation of freight trains at speed equal to or greater than 50 mph on non-PTC-equipped territory where required	15,000	25,000
Failure to fully implement incursion protection where required	5,000	7,500
236.1009 Procedural requirements:		
Failure to file PTCIP when required	5,000	7,500
Failure to amend PTCIP when required	5,000	7,500
Failure to obtain Type Approval when required	5,000	7,500
Failure to update NPI	5,000	7,500
Operation of PTC system without system certification	16,000	25,000
Failure to comply with FRA condition or modification	2	2
Failure to report as required	5,000	7,500
Failure to provide FRA access	10,000	16,000
236.1011 PTCIP content requirements:		
Failure to install a PTC system as required	11,000	16,000
Failure to maintain a PTCIP as required	2	2
236.1013 PTCDP content requirements and Type Approval:		
Failure to maintain quality control system	5,000	7,500
Inappropriate use of Type Approval	5,000	7,500
236.1015 PTCSP content requirements and PTC System Certification:		
Failure to implement PTC system in accordance with the associated PTCSP and resultant system certification	16,000	25,000
Failure to maintain PTC system in accordance with the associated PTCSP and resultant system certification	16,000	25,000
Failure to maintain required supporting documentation	2,500	5,000
236.1017 Independent third party Verification and Validation:		
Failure to conduct independent third party Verification and Validation when ordered	11,000	16,000
236.1019 Main line track exceptions:		
Operations conducted in non-compliance with the passenger terminal exception	16,000	25,000
Operations conducted in non-compliance with the limited operations exception	16,000	25,000
Failure to request modification of the PTCIP or PTCSP when required	11,000	16,000
Operations conducted in violation of (c)(2)	16,000	25,000
Operations conducted in violation of (c)(3)	25,000	25,000
236.1021 Discontinuances, material modifications, and amendments:		

Failure to update PTCDP when required	5,000	7,500
Failure to update PTCSP when required	5,000	7,500
Failure to immediately adopt and comply with approved RFA	5,000	7,500
Discontinuance or modification of a PTC system without approval when required	11,000	16,000
236.1023 Errors and malfunctions:		
Railroad failure to provide proper notification of PTC system error or malfunction	5,000	7,500
Failure to maintain PTCPVL	2,500	5,000
Supplier failure to provide proper notification of previously identified PTC system error or malfunction	5,000	7,500
Failure to provide timely notification	5,000	7,500
Failure to provide appropriate protective measures in the event of PTC system failure	15,000	25,000
236.1027 Exclusions:		
Integration of primary train control system with locomotive electronic system without approval	5,000	7,500
236.1029 PTC system use and en route failures:		
Failure to determine cause of PTC system component failure without undue delay	5,000	7,500
Failure to adjust, repair, or replace faulty PTC system component without undue delay	5,000	7,500
Failure to take appropriate action pending adjustment, repair, or replacement of faulty PTC system component	15,000	25,000
PTC territory operation with an inoperative PTC onboard apparatus	5,000	7,500
Interference with the normal functioning of safety-critical PTC system	15,000	25,000
236.1033 Communications and security requirements:		
Failure to provide cryptographic message integrity and authentication	5,000	7,500
Improper use of revoked cryptographic key	5,000	15,000
Failure to protect cryptographic keys from unauthorized disclosure, modification, or substitution	5,000	15,000
Failure to establish prioritized service restoration and mitigation plan for communication services	5,000	7,500
236.1035 Field testing requirements:		
Field testing without authorization or approval	10,000	20,000
Failure to comply with FRA condition	2	2
236.1037 Records retention:		
Failure to maintain records and databases as required	7,500	15,000
Failure to report inconsistency	10,000	20,000
Failure to take prompt countermeasures	10,000	20,000
Failure to provide final report	2,500	5,000
236.1039 Operations and Maintenance Manual:		

Failure to implement and maintain Operations and Maintenance Manual as required	3,000	6,000
Failure to make Operations and Maintenance Manual available to FRA when required	10,000	16,000
Failure to make Operations and Maintenance Manual available to persons required to performed the required tasks	15,000	25,000
Amends Operations and Maintenance Manual without FRA approval	5,000	10,000
236.1043 Task analysis and basic requirements:		
Failure to develop and maintain an acceptable training program	10,000	20,000
Failure to train persons as required	2,500	5,000
Failure to conduct evaluation of training program as required	2,500	5,000
Failure to maintain records as required	1,500	3,000
236.1045 Training specific to office control personnel:		
Failure to conduct training unique to office control personnel	2,500	5,000
236.1047 Training specific to locomotive engineers and other operating personnel:		
Failure to conduct training unique to locomotive engineers and other operating personnel	2,500	5,000
236.1049 Training specific to roadway workers:		
Failure to conduct training unique to roadway workers	2,500	5,000

¹A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a civil penalty of up to the statutory maximum amount per day for any violation where circumstances warrant. See 49 CFR part 209, Appendix A.

² Each plan has numerous conditions and requirements with varying degrees of importance or impact. Thus, a single recommended civil penalty amount for a violation for failure to adhere to each plan or condition is not advisable or warranted. When a violation of a plan or condition is found, FRA may consider a variety of factors to determine the appropriate civil penalty to assess, including any underlying or related violation.

[53 FR 52936, Dec. 29, 1988, as amended at 63 FR 11624, Mar. 10, 1998; 69 FR 30595, May 28, 2004; 70 FR 11104, Mar. 7, 2005; 73 FR 79704, Dec. 30, 2008; 75 FR 2715, Jan. 15, 2010; 77 FR 24422, Apr. 24, 2012; 81 FR 10129, Feb. 29, 2016; 81 FR 43112, July 1, 2016; 83 FR 60749, Nov. 27, 2018]

Part 237—Schedule of Civil Penalties¹*(current as of May 23, 2019)*

Section²	Violation	Willful violation
Subpart B—Railroad Bridge Safety Assurance		
237.31 Adoption of bridge management program	\$9,500	\$17,000
237.33 Content of bridge management program:		
(a) Inventory of railroad bridges	2,500	5,000
(b) Record of safe load capacity	5,500	10,000
(c) Provision to obtain and maintain:		
(i) Design documents	5,500	10,000
(ii) Documentation of repairs and modifications	2,500	5,000
(iii) Inspection reports	2,500	5,000
(d) Bridge inspection program content	2,500	5,000
Subpart C—Qualification and Designation of Responsible Persons		
237.51 Railroad bridge engineers:		
(a) Competency	5,500	10,000
(b) Educational qualification	2,500	5,000
237.53 Railroad bridge inspectors	5,500	10,000
237.55 Railroad bridge supervisors	5,500	10,000
237.57 Designation of individuals	2,500	5,000
Subpart D—Capacity of Bridges		
237.71 Determination of bridge load capacities:		
(a) Safe load capacity	5,500	10,000
(b) Load capacity documented	5,500	10,000
(c) Load capacity determined by a railroad bridge engineer	5,500	10,000
(d) Method of load capacity determination	2,500	5,000
(e) Prioritization of load capacity determination	2,500	5,000
(f) New load capacity determined due to change in condition	2,500	5,000
(g) Load capacity stated in terms of weight and length of equipment	2,500	5,000
(h) Restriction on operations by railroad bridge engineer	5,500	10,000
237.73 Protection of bridges from over-weight and over-dimension equipment:		
(a) Instructions issued	5,500	10,000
(b) Weight instructions	2,500	5,000

(c) Dimensional instructions	2,500	5,000
(d) Incorrect instructions issued	2,500	5,000
Subpart E—Bridge Inspection		
237.101 Scheduling of bridge inspections:		
(a) Scheduling:		
(i) Failure to inspect	9,500	17,000
(ii) Inspection within calendar year	2,500	5,000
(iii) Inspection frequency exceeding 540 days	2,500	5,000
(b) Increased inspection frequency	5,500	10,000
(c) Special inspections	2,500	5,000
(d) Resumption of railroad operations prior to inspection & review	9,500	17,000
237.103 Bridge inspection procedures	2,500	5,000
237.105 Special inspections:		
(a) Procedures to protect train operations and requiring special inspections	2,500	5,000
(b) Provision for the detection of scour or underwater deterioration	2,500	5,000
237.107 Conduct of bridge inspections	5,500	10,000
237.109 Bridge inspection records:		
(a) Record of inspection	2,500	5,000
(b) Inspection record:		
(i) Certification and date	2,500	5,000
(ii) Falsification		17,000
(c) Inspection record information	2,500	5,000
(d) Initial report within 30 days	2,500	5,000
(e) Final inspection report within 120 calendar days	2,500	5,000
(f) Retention	2,500	5,000
(g) Prompt reporting of dangerous conditions	5,500	10,000
237.111 Review of bridge inspection reports.		
(a) Review by railroad bridge engineers and supervisors	2,500	5,000
(b) Appropriate action concerning present or potential safety hazards	5,500	10,000
(c) Modification of inspection frequency or procedures	2,500	5,000
(d) Scheduling remedial action	2,500	5,000
(e) Higher-level review	2,500	5,000
Subpart F—Repair and Modification of Bridges		
237.131 Design	5,500	10,000

237.133	Supervision of repairs and modifications	5,500	10,000
Subpart G—Documentation, Records and Audits of Bridge Management Programs			
237.151	Audits; general	2,500	5,000
237.153	Audits of inspections	2,500	5,000
237.155	Documents and records:		
(a)	Electronic recordkeeping, general	2,500	5,000
(b)	System security	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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

² The penalty schedule uses section numbers from 49 CFR part 237. 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 41302, July 15, 2010, as amended at 77 FR 24422, Apr. 24, 2012; 81 FR 43112, July 1, 2016; 83 FR 60749, Nov. 27, 2018]

Part 238—Schedule of Civil Penalties^{1,2}
(current as of May 23, 2019)

Section	Violation	Willful violation
SUBPART A—GENERAL		
238.15 Movement of power brake defects:		
(b) Improper movement from Class I or IA brake test	5,000	7,500
(c) Improper movement of en route defect	2,500	5,000
(2), (3) Insufficient tag or record	1,000	2,000
(4) Failure to determine percent operative brake	2,500	5,000
(d) Failure to follow operating restrictions	5,000	7,500
(e) Failure to follow restrictions for inoperative front or rear unit	2,500	5,000
238.17 Movement of other than power brake defects: ¹		
(c)(4), (5) Insufficient tag or record	1,000	2,000
(d) Failure to inspect or improper use of roller bearings	2,500	5,000
(e) Improper movement of defective safety appliances	¹	
238.19 Reporting and tracking defective equipment:		
(a) Failure to have reporting or tracking system	7,500	11,000
(b) Failure to retain records	2,000	4,000
(c) Failure to make records available	1,000	2,000
(d) Failure to list power brake repair points	2,000	4,000
SUBPART B—SAFETY PLANNING AND GENERAL REQUIREMENTS		
238.103 Fire protection plan/fire safety:		
(a) Failure to use proper materials	5,000	7,500
(b) Improper certification	1,000	2,000
(c) Failure to consider fire safety on new equipment	5,000	7,500
(d) Failure to perform fire safety analysis	5,000	7,500
(e) Failure to develop, adopt or comply with procedures	5,000	7,500
238.105 Train electronic hardware and software safety:		
(a), (b), (c) Failure to develop and maintain hardware and software safety	7,500	11,000
(d) Failure to include required design features	5,000	7,500
(e) Failure to comply with hardware and software safety program	5,000	7,500
238.107 Inspection, testing, and maintenance plan:		
(b) Failure to develop plan	7,500	11,000

(b)(1)-(5) Failure of plan to address specific item	3,000	6,000
(d) Failure to conduct annual review	5,000	7,500
238.109 Training, qualification, and designation program:		
(a) Failure to develop or adopt program	7,500	11,000
(b)(1)-(4) Failure of plan to address specific item	3,000	6,000
(b)(5)-(12) Failure to comply with specific required provision of the program	5,000	7,500
(b)(13) Failure to maintain adequate records	2,500	5,000
238.111 Pre-revenue service acceptance testing plan:		
(a) Failure to properly test previously used equipment	7,500	11,000
(b)(1) Failure to develop plan	7,500	11,000
(b)(2) Failure to submit plan to FRA	5,000	7,500
(b)(3) Failure to comply with plan	5,000	7,500
(b)(4) Failure to document results of testing	5,000	7,500
(b)(5) Failure to correct safety deficiencies or impose operating limits	5,000	7,500
(b)(6) Failure to maintain records	3,000	6,000
(b)(7) Failure to obtain FRA approval	5,000	7,500
238.112 Door emergency egress and rescue access systems	2,500	5,000
238.113 Emergency window exits	2,500	5,000
238.114 Rescue access windows	2,500	5,000
238.115 Emergency lighting	2,500	5,000
238.117 Protection against personal injury	2,500	5,000
238.119 Rim-stamped straight plate wheels	2,500	5,000
238.121 Emergency communication	2,500	5,000
238.123 Emergency roof access	2,500	5,000
238.125 Marking and instructions for emergency egress and rescue access	2,500	5,000
238.127 Low-location emergency exit path marking	2,500	5,000
238.131 Exterior side door safety systems—new passenger cars and locomotives used in passenger service	10,000	15,000
238.133 Exterior side door safety systems—all passenger cars and locomotives used in a passenger service:		
(a)(1) Failure to verify position of by-pass device or by-pass device not sealed	2,500	5,000
(a)(2) Failure to provide functional test plan	5,000	7,500
(a)(3) Failure to perform visual inspection or functional test	2,500	5,000
(b) Unsealed door by-pass device:		

(b)(1) Door by-pass device not inactive, sealed, or seal ineffective	2,500	5,000
(b)(2) Failure to notify designated authority	5,000	7,500
(b)(3) Movement beyond repair point	7,500	11,000
(b)(4) Door by-pass device not sealed by QMP at calendar day inspection	2,500	5,000
(c)(1) Failure to follow en route by-pass activation procedures; improper movement of defective equipment	7,500	11,000
(c)(2) Failure to use QMP	5,000	7,500
(d) Failure to maintain record	2,000	4,000
(e) Door control panel not inactive when the key or other similar device is removed	5,000	7,500
(f) End-of-train circuit:		
(f)(1) End-of-train circuit integrity not maintained	5,000	7,500
(f)(2) Switches not secured to prevent unauthorized access	2,500	5,000
(g) Door by-pass device not inactive, sealed or seal ineffective	2,500	5,000
238.135 Operating practices for exterior side door safety systems:		
(a) Failure to conduct proper safety briefing	7,500	11,000
(b)(1) Exterior side doors and trap doors not closed when a train is in motion between stations	10,000	15,000
(b)(2) Failure to follow conditions for operating a train while in motion between stations with an exterior side door or trap door open	10,000	15,000
(d) Failure to adopt and comply with operating rules on how to safely override a door summary circuit or no-motion system	9,500	13,000
(e) Failure to provide training	9,500	13,000
(f) Failure to adopt and comply with operating rules requiring crewmembers to determine the status of the train's exterior side doors	9,500	13,000
(g) Failure to periodically conduct operational (efficiency) tests and observations	9,500	13,000
238.137 Mixed consist; operating equipment with incompatible exterior side door systems:		
(a) Incompatible exterior side door systems not operated within the constraints of each door safety system	5,000	7,500
(b) Failure to adopt and comply with operating rules to provide for the safe use of equipment with incompatible exterior side door systems when utilized in a mixed consist	9,500	13,000
SUBPART C—SPECIFIC REQUIREMENTS FOR TIER I EQUIPMENT		
238.203 Static end strength	2,500	5,000
238.205 Anti-climbing mechanism	2,500	5,000
238.207 Link between coupling mechanism and car body	2,500	5,000
238.209 Forward-facing end structure of locomotives	2,500	5,000

238.211	Collision posts	2,500	5,000
238.213	Corner posts	2,500	5,000
238.215	Rollover strength	2,500	5,000
238.217	Side structure	2,500	5,000
238.219	Truck-to-car-body attachment	2,500	5,000
238.221	Glazing	2,500	5,000
238.223	Fuel tanks	2,500	5,000
238.225	Electrical System	2,500	5,000
238.227	Suspension system	2,500	5,000
238.229	Safety appliances—general:		
(e)	Failure to properly identify equipment (per car)	2,500	5,000
(g)	Failure to adopt or comply with inspection plan	2,500	5,000
(h)	Failure to use qualified person (per car)	2,500	5,000
(i)	Failure to properly conduct initial or periodic inspection (per car)	2,500	5,000
(j)	Failure to take proper remedial action (per car)	2,500	5,000
(k)	Failure to maintain records (per car)	2,000	4,000
238.230	Safety appliances—new equipment:		
(b)(2)	Failure to identify welded appliance (per car)	2,500	5,000
(b)(3)	Failure to receive approval for use (per car)	2,500	5,000
(c)(2)	Failure to make proper repair (per car)	2,500	5,000
238.231	Brake System (a)-(g), (i)-(n)	2,500	5,000
(h)(1), (2)	Hand or parking brake missing or inoperative	5,000	7,500
(h)(3)	Hand or parking brake inspection or record (per car)	2,500	5,000
(h)(4)	Hand or parking brake not applied to hold unattended equipment or prematurely released	5,000	7,500
238.233	Interior fittings and surfaces	2,500	7,500
238.237	Automated monitoring	2,500	5,000
SUBPART D—INSPECTION, TESTING, AND MAINTENANCE REQUIREMENTS FOR TIER I EQUIPMENT			
238.303	Exterior mechanical inspection of passenger equipment:		
(a)(1)	Failure to perform mechanical inspection	¹ 2,000	4,000
(a)(2)	Failure to inspect secondary brake system	2,500	5,000
(b)	Failure to perform inspection on car added to train	¹ 2,000	4,000
(c)	Failure to utilize properly qualified personnel	2,000	4,000
(e)(1)	Products of combustion not released outside cab	2,500	5,000

(e)(2) Battery not vented or gassing excessively	2,500	5,000
(e)(3) Coupler not in proper condition	2,500	5,000
(e)(4) No device under drawbar pins or connection pins	2,500	5,000
(e)(5) Suspension system and spring rigging not in proper condition	2,500	5,000
(e)(6) Truck not in proper condition	2,500	5,000
(e)(7) Side bearing not in proper condition	2,500	5,000
(e)(8) Wheel not in proper condition:		
(i), (iv) Flat spot(s) and shelled spot(s):		
(A) One spot 2 1/2" or more but less than 3" in length	2,500	5,000
(B) One spot 3" or more in length	5,000	7,500
(C) Two adjoining spots each of which is 2" or more in length but less than 2 1/2" in length	2,500	5,000
(D) Two adjoining spots each of which are at least 2" in length, if either spot is 2 1/2" or more in length	5,000	7,500
(ii) Gouge or chip in flange:		
(A) More than 1 1/2" but less than 1 5/8" in length; and more than 1/2" but less than 5/8" in width	2,500	5,000
(B) 1 5/8" or more in length and 5/8" or more in width	5,000	7,500
(iii) Broken rim	5,000	7,500
(v) Seam in tread	2,500	5,000
(vi) Flange thickness of:	2,500	5,000
(A) 7/8" or less but more than		
(B) 13/16" or less	5,000	7,500
(vii) Tread worn hollow	2,500	5,000
(viii) Flange height of:		
(A) 1 1/2" or greater but less than 1 5/8"	2,500	5,000
(B) 1 5/8" or more	5,000	7,500
(ix) Rim thickness:		
(A) Less than 1"	2,500	5,000
(B) 1 5/16" or less	5,000	7,500
(x) Crack or break in flange, tread, rim, plate, or hub:		
(A) Crack of less than 1"	2,500	5,000
(B) Crack of 1" or more	5,000	7,500
(C) Break	5,000	7,500
(xi) Loose wheel	5,000	7,500
(xii) Welded wheel	5,000	7,500

(e)(10) Improper grounding or insulation	5,000	7,500
(e)(11) Jumpers or cable connections not in proper condition	2,500	5,000
(e)(12) Door or cover plate not properly marked	2,500	5,000
(e)(13) Buffer plate not properly placed	2,500	5,000
(e)(14) Diaphragm not properly placed or aligned	2,500	5,000
(e)(15) Secondary braking system not in operating mode or contains known defect	2,500	5,000
(e)(16) Roller bearings:		
(i) Overheated	5,000	7,500
(ii) Cap screw loose or missing	2,500	5,000
(iii) Cap screw lock broken or missing	1,000	2,000
(iv) Seal loose, damaged, or leaks lubricant	2,500	5,000
(e)(17) Air compressor inoperative	2,500	5,000
(g) Record of inspection:		
(1), (4) Failure to maintain record of inspection	5,000	4,000
(2) Record contains insufficient information	1,000	2,000
238.305 Interior mechanical inspection of passenger cars:		
(a) Failure to perform inspection	¹ 1,000	2,000
(b) Failure to utilize properly qualified personnel	1,000	2,000
(c)(1) Failure to protect against personal injury	2,500	5,000
(c)(2) Floors not free of condition that creates hazard	2,500	5,000
(c)(3) Access to manual door release not in place	2,000	4,000
(c)(4) Emergency equipment not in place	1,000	2,000
(c)(5) Emergency brake valve not stenciled or marked	2,500	5,000
(c)(6) Door or cover plates not properly marked	2,500	5,000
(c)(7) Safety signage not in place or legible	1,000	2,000
(c)(8) Trap door unsafe or improperly secured	2,500	5,000
(c)(9) Vestibule steps not illuminated	2,000	4,000
(c)(10) Door not safely operate as intended	2,500	5,000
(c)(11) Seat broken, loose, or not properly attached	2,500	5,000
(e) Record of inspection:		
(1), (4) Failure to maintain record of inspection	2,000	4,000
(2) Record contains insufficient information	1,000	1,000
(f) Record of inspection:		
(1), (4) Failure to maintain record of inspection	2,000	4,000

(2) Record contains insufficient information	1,000	2,000
238.307 Periodic mechanical inspection of passenger cars and unpowered vehicles:		
(a) Failure to perform periodic mechanical inspection	¹ 2,500	5,000
(b) Failure to utilize properly qualified personnel	2,500	5,000
(c)(1) Seat or seat attachment broken or loose	2,500	5,000
(c)(2) Luggage rack broken or loose	2,500	5,000
(c)(3) Bed, bunks, or restraints broken or loose	2,500	5,000
(c)(4) Emergency window exit not properly operate	2,500	5,000
(c)(5) Emergency lighting not operational	2,500	5,000
(c)(6) Switches not in proper condition	2,500	5,000
(c)(7) Coupler not in proper condition	2,500	5,000
(c)(8) Truck not equipped with securing arrangement	2,500	5,000
(c)(9) Truck center casting cracked or broken	5,000	7,500
(c)(10) General conditions endangering crew, passengers	2,500	5,000
(c)(13) Hand or parking brake test not performed	2,500	5,000
(d)(1) Manual door release not operate as intended	2,500	5,000
(d)(2) Hand or parking brake inspection not performed	2,500	5,000
(e)(1) Failure to maintain record of inspection	2,000	4,000
(i)-(iv) Record contains insufficient information	1,000	2,000
(f)(1) Record of inspection:		
(i) Failure to maintain record of inspection	2,000	4,000
(ii) Record contains insufficient information	1,000	2,000
238.309 Periodic brake equipment maintenance:		
(b) Failure to perform on MU locomotive	2,500	5,000
(c) Failure to perform on conventional locomotive	2,500	5,000
(d) Failure to perform on passenger coaches or other unpowered vehicle	2,500	5,000
(e) Failure to perform on cab car	2,500	5,000
(f) Record of periodic maintenance:		
(1), (2) Failure to maintain record or stencil	2,000	4,000
238.311 Single car tests:		
(a) Failure to test in accord with required procedure	2,500	5,000
(b) Failure to utilize properly qualified personnel	2,500	5,000
(c), (e) Failure to perform single car test	2,500	5,000
(f) Improper movement of car for testing	2,000	4,000

(g) Failure to test after repair or replacement of component	2,000	4,000
238.313 Class I brake test:		
(a) Failure to perform on commuter or short distance intercity passenger train	¹ 10,000	15,000
(b) Failure to perform on long-distance intercity passenger train	¹ 10,000	15,000
(c) Failure to perform on cars added to passenger train	¹ 5,000	7,500
(d) Failure to utilized properly qualified personnel	5,000	7,500
(f) Passenger train used from Class I brake test with less than 100% operative brakes	5,000	7,500
(g) Partial failure to perform inspection on a passenger train	5,000	7,500
(3) Failure to adjust piston travel (per car)	2,500	5,000
(h) Failure to maintain record	2,000	4,000
(j) Failure to perform additional Class I brake test	5,000	7,500
(j)(3) Failure to maintain record	2,000	4,000
238.315 Class IA brake test:		
(a) Failure to perform inspection	¹ 5,000	7,500
(d) Failure to utilize properly qualified personnel	2,500	5,000
(e) Passenger train used from Class IA brake test with improper percentage of operative brakes	5,000	7,500
(f) Partial failure to perform inspection on passenger train	2,500	5,000
238.317 Class II brake test:		
(a) Failure to perform inspection	¹ 2,500	5,000
(b) Failure to utilize properly qualified personnel	2,500	5,000
(c) Improper use of defective equipment from Class II brake test	2,500	5,000
238.319 Running brake tests:		
(a), (b) Failure to perform test	2,000	4,000
238.321 Out-of-service credit	1,000	2,000
SUBPART E—SPECIFIC REQUIREMENTS FOR TIER II PASSENGER EQUIPMENT		
238.403 Crash energy management	2,500	5,000
238.405 Longitudinal static compressive strength	2,500	5,000
238.407 Anti-climbing mechanism	2,500	5,000
238.409 Forward end structures of power car cabs:		
(a) Center collision post	2,500	5,000
(b) Side collision posts	2,500	5,000
(c) Corner posts	2,500	5,000
(d) Skin	2,500	5,000

238.411	Rear end structures of power car cabs:		
(a)	Corner posts	2,500	5,000
(b)	Collision posts	2,500	5,000
238.413	End structures of trailer cars	2,500	5,000
238.415	Rollover strength	2,500	5,000
238.417	Side loads	2,500	5,000
238.419	Truck-to-car-body and truck component attachment	2,500	5,000
238.421	Glazing:		
(b)	End-facing exterior glazing	2,500	5,000
(c)	Alternate glazing requirements	2,500	5,000
(d)	Glazing securement	1,000	2,000
(e)	Stenciling	2,500	5,000
238.423	Fuel tanks:		
(a)	External fuel tanks	2,500	5,000
(b)	Internal fuel tanks	2,500	5,000
238.425	Electrical system:		
(a)	Circuit protection	2,500	5,000
(b)	Main battery system	2,500	5,000
(c)	Power dissipation resistors	2,500	5,000
(d)	Electromagnetic interference and compatibility	2,500	5,000
238.427	Suspension system	2,500	5,000
238.428	Overheat sensors	2,500	5,000
238.429	Safety Appliances:		
(a)	Couplers	5,000	7,500
(b)	Hand/parking brakes	5,000	7,500
(d)	Handrail and handhold missing	2,500	5,000
(d)(1)-(8)	Handrail or handhold improper design	2,500	5,000
(e)	Sill step missing	5,000	7,500
(e)(1)-(11)	Sill step improper design	2,500	5,000
(g)	Optional safety appliances	2,500	5,000
238.431	Brake system	2,500	5,000
238.433	Draft System	2,500	5,000
238.435	Interior fittings and surfaces	2,500	5,000
238.437	[Reserved]		

238.439 Doors:		
(a) Exterior side doors	2,500	5,000
(b) Manual override feature	2,500	5,000
(c) Notification to crew of door status	2,500	5,000
(d) Emergency back-up power	2,500	5,000
(f) End door kick-out panel or pop-out window	2,500	5,000
(g) Marking and instructions	[Reserved]	
238.441 Emergency roof access	2,500	5,000
238.443 Headlights	2,500	5,000
238.445 Automated monitoring	2,500	5,000
238.447 Train operator's controls and power car cab layout	2,500	5,000
SUBPART F—INSPECTION, TESTING, AND MAINTENANCE REQUIREMENTS FOR TIER II PASSENGER EQUIPMENT		
238.503 Inspection, testing, and maintenance requirements:		
(a) Failure to develop inspection, testing, and maintenance program or obtain FRA approval	10,000	15,000
(b) Failure to comply with provisions of the program	5,000	7,500
(c) Failure to ensure equipment free of conditions which endanger safety of crew, passengers, or equipment	2,500	5,000
(d) Specific safety inspections:		
(1)(i) Failure to perform Class I brake test or equivalent	10,000	15,000
(1)(ii) Partial failure to perform Class I brake test or equivalent	5,000	7,500
(2)(i) Failure to perform exterior mechanical inspection	¹ 2,000	4,000
(2)(ii) Failure to perform interior mechanical inspection	¹ 1,000	2,000
(g) Failure to perform scheduled maintenance as required in program	2,500	5,000
(h) Failure to comply with training, qualification and designation program	5,000	7,500
(i) Failure to develop or comply with standard procedures for performing inspection, tests, and maintenance	2,500	5,000
(j) Failure to conduct annual review	5,000	7,500
(k) Failure to establish or utilize quality control program	5,000	7,500
SUBPART G—SPECIFIC SAFETY PLANNING REQUIREMENTS FOR TIER II PASSENGER EQUIPMENT		
238.603 Safety plan:		
(a) Failure to develop safety operating plan	7,500	11,000
(b) Failure to develop procurement plan	7,500	11,000

(1)-(7) Failure to develop portion of plan	2,500	5,000
(c) Failure to maintain documentation	2,500	5,000
SUBPART H—SPECIFIC REQUIREMENTS FOR TIER III PASSENGER EQUIPMENT		
238.703 Quasi-static compression load requirements	2,500	5,000
238.705 Dynamic collision scenario	2,500	5,000
238.707 Override protection	2,500	5,000
238.709 Fluid entry inhibition	2,500	5,000
238.711 End structure integrity of cab end	2,500	5,000
238.713 End structure integrity of non-cab end	2,500	5,000
238.715 Roof and side structure integrity	2,500	5,000
238.717 Truck-to-car-body attachment	2,500	5,000
238.721 Glazing	2,500	5,000
238.731 Brake system	2,500	5,000
238.733 Interior fixture attachment	2,500	5,000
238.735 Seat crashworthiness	2,500	5,000
238.737 Luggage racks	2,500	5,000
238.741 Emergency window egress and rescue access	2,500	5,000
238.751 Alerters	2,500	5,000
238.753 Sanders	1,000	2,000

¹ A penalty may be assessed against an individual only for a willful violation. Generally when two or more violations of these regulations are discovered with respect to a single unit of passenger equipment that is placed or continued in service by a railroad, the appropriate penalties set forth above are aggregated up to a maximum of \$28,474 per day. However, failure to perform, with respect to a particular unit of passenger equipment, any of the inspections and tests required under subparts D and F of this part will be treated as a violation separate and distinct from, and in addition to, any substantive violative conditions found on that unit of passenger equipment. Moreover, the Administrator reserves the right to assess a penalty of up to the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

Failure to observe any condition for movement of defective equipment set forth in §238.17 will deprive the railroad of the benefit of the movement-for-repair provision and make the railroad and any responsible individuals liable for penalty under the particular regulatory section(s) concerning the substantive defect(s) present on the unit of passenger equipment at the time of movement.

Failure to observe any condition for the movement of passenger equipment containing defective safety appliances, other than power brakes, set forth in §238.17(e) will deprive the railroad of the movement-for-repair provision and make the railroad and any responsible individuals liable for penalty under the particular regulatory section(s) contained in part 231 of this chapter or §238.429 concerning the substantive defective condition.

The penalties listed for failure to perform the exterior and interior mechanical inspections and tests required under §238.303 and §238.305 may be assessed for each unit of passenger equipment contained in a train that is not properly inspected. Whereas, the penalties listed for failure to perform the brake inspections and tests under §238.313 through §238.319 may be assessed for each train that is not properly inspected.

² The penalty schedule uses section numbers from 49 CFR part 238. 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.

[64 FR 25660, May 12, 1999, as amended at 65 FR 41310, July 3, 2000; 67 FR 19994, Apr. 23, 2002; 72 FR 51198, Sept. 6, 2007; 73 FR 6413, Feb. 1, 2008; 73 FR 79704, Dec. 30, 2008; 77 FR 24422, Apr. 24, 2012; 78 FR 16126, Mar. 13, 2013; 78 FR 71815, Nov. 29, 2013; 80 FR 76148, Dec. 7, 2015; 81 FR 43112, July 1, 2016; 82 FR 16135, Apr. 3, 2017; 83 FR 60749, Nov. 27, 2018, 83 FR 59227, Nov. 21, 2018]

Part 239—Schedule of Civil Penalties¹*(current as of May 23, 2019)*

Section	Violation	Willful violation
Subpart B—Specific Requirements:		
239.101(a) Failure of a railroad to adopt a written or electronic emergency preparedness plan	7,500	11,000
(a)(1) Failure of the plan to provide for:		
(i) Initial or on-board notifications by an on-board crewmember	2,500	5,000
(ii) Notification of outside emergency responders by control center or ERCC	2,500	5,000
(iii) Failure to designate employee responsible for maintaining current emergency telephone numbers for use in notifications	2,500	5,000
(a)(2) Failure of the plan to provide for:		
(i) Initial or periodic training of on-board personnel	2,500	5,000
(ii) Initial or periodic training of control center and ERCC personnel	2,500	5,000
(iii) Completion of initial training of each on-board, control center, and ERCC personnel by the specified date	2,500	5,000
(iv) Completion of initial training of each newly-hired on-board, control center, and ERCC personnel by the specified date	2,500	5,000
(v) Adequate procedures to evaluate and test on-board, control center, and ERCC personnel for qualification under the emergency preparedness plan	2,500	5,000
(vi) Adequate on-board staffing	2,500	5,000
(a)(3) Failure of a host railroad involved in joint operations to coordinate applicable portions of the emergency preparedness plan with the railroad or railroads providing or operating a passenger train service operation	3,000	6,000
(a)(4) Failure of the plan to address:		
(i) Readiness procedures for emergencies in tunnels	2,500	5,000
(ii) Readiness procedures for emergencies on an elevated structure or in electrified territory	2,500	5,000
(iii) Coordination efforts involving adjacent rail modes of transportation	2,500	5,000
(a)(5) Failure of the plan to address relationships with on-line emergency responders by providing for:		
(i) The development and availability of training programs	3,000	6,000
(ii) Invitations to emergency responders to participate in emergency simulations	3,000	6,000
(iii) Distribution of applicable portions of the current emergency preparedness plan	3,000	6,000

(a)(6) Failure of the plan to provide for, or the railroad to include on board each train and maintain and replace:		
(i) Emergency equipment	2,500	5,000
(ii) First-aid kits	2,500	5,000
(iii) Emergency lighting	2,500	5,000
(a)(7) Failure of the plan to provide for emergency instructions inside each passenger car or to include additional safety awareness information	3,500	7,000
(a)(8) Failure of the plan to include procedures promoting the safety of passengers with disabilities	2,500	5,000
239.103 Failure to conduct a required full-scale simulation in accordance with the frequency schedule	5,000	7,500
239.105 Debriefing and critique		
(a) Failure to conduct a debriefing and critique session after an emergency or full-scale simulation	4,000	7,500
(c) Failure to design the debrief and critique session to determine the five items specified	2,500	5,000
(d)(1) Failure to maintain a record	2,500	5,000
(i) Failure to include date or location of the emergency or simulation	1,000	2,000
(ii) Failure to include date or location of the debriefing and critique session	1,000	2,000
(iii) Failure to include names of participants in the debriefing and critique session	1,000	2,000
(d)(2) Failure to make record available	1,000	2,000
Subpart C—Review, Approval, and Retention of Emergency Preparedness Plans:		
239.201 Filing and approval		
(a):		
(i) Failure of a railroad to file a written emergency preparedness plan	5,000	7,500
(ii) Failure to designate a primary person to contact for plan review	1,000	2,000
(iii) Failure of a railroad to file an amendment to its plan	2,500	5,000
(iv) Failure of a railroad to file a summary of an amendment to its plan	1,000	2,000
(b)(1), (b)(2):		
(i) Failure of a railroad to correct a plan deficiency	2,500	5,000
(ii) Failure to provide FRA with a corrected copy of the plan	1,000	2,000
(b)(3):		
(i) Failure of a railroad to correct an amendment deficiency	2,500	5,000
(ii) Failure to file a corrected plan amendment with FRA	1,000	1,000
239.203 Retention of emergency preparedness plan		
(1) Failure to retain a copy of the plan or an amendment to the plan	2,500	5,000
(2) Failure to make record available	1,000	2,000

Subpart D—Operational Tests and Inspections; Records, Recordkeeping, and Availability of Records		
239.301 Operational tests and inspections		
(a) Failure to periodically conduct operational tests and inspections of applicable personnel in accordance with program of operational tests and inspections	2,500	5,000
(a)(1) Failure to adopt a program of operational tests and inspections that meets the minimum requirements within 30 days of commencing rail operations	5,000	7,500
(a)(1)(vi) Failure to train or qualify each railroad officer who conducts operational tests and inspections on aspects of the e-prep plan and program procedures relevant to the operational tests and inspections that the officer conducts	2,500	5,000
(b)(1) Failure to maintain a record	2,500	5,000
(b)(2) Record improperly completed	1,000	1,000
(c)(1), (d)(1), (e)(2), (f)(1): Failure to retain a copy of the record	2,500	5,000
(c)(2), (d)(2), (e)(3), (f)(2): Failure to make record available	1,000	2,000
(e)(1) Failure to conduct six-month review and analysis of required data and make any necessary or appropriate adjustments to the program of operational tests and inspections	4,000	7,500
239.303 Electronic recordkeeping		
(a) Insufficient limits or controls on accessibility to records	2,500	5,000
(b) Missing terminal	1,000	2,000
(c) Inability of railroad to produce information in a usable format for immediate review	1,000	2,000
(d) Failure by railroad to designate an authorized representative	1,000	2,000
(e) Failure to make record available	1,000	2,000

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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

² The penalty schedule uses section numbers from 49 CFR part 239. 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.

[63 FR 24676, May 4, 1998, as amended at 69 FR 30595, May 28, 2004; 73 FR 79704, Dec. 30, 2008; 77 FR 24422, Apr. 24, 2012; 78 FR 71816, Nov. 29, 2013; 79 FR 18150, Mar. 31, 2014; 81 FR 43112, July 1, 2016; 83 FR 60749, Nov. 27, 2018]

Part 240—Schedule of Civil Penalties¹*(current as of May 23, 2019)*

Section	Violation	Willful violation
Subpart B—Component Elements		
240.101—Program Failures		
(a) Failure to have program	\$5,000	\$10,000
(b) Program that fails to address a subject	2,500	5,000
240.103—Failure to:		
(a) follow Appendix B	1,000	2,000
(d) to resubmit, when directed by FRA	1,000	2,000
240.104—Allowing uncertified person to operate non-traditional locomotives	5,000	10,000
240.105—Failure to have or execute adequate procedure for selection of supervisors	2,500	5,000
240.107—Classes of Service		
(a) Failure to designate classes of service	2,000	4,000
240.109—Limitations on considering prior conduct records		
(a) Failure to have procedure for determining eligibility	2,500	5,000
(e) Considering excluded data	2,000	4,000
(f,g) Failure to provide timely review opportunity	2,000	4,000
240.111—Furnishing Motor Vehicle Records:		
(a) Failure to action required to make information available	1,000	2,000
(b) Failure to request:		
(1) local record	1,000	2,000
(2) NDR record	1,000	2,000
(f) Failure to request additional record	1,000	2,000
(g) Failure to notify of absence of license	750	1,500
(h) Failure to submit request in timely manner	750	1,500
(i) Failure to report within 48 hours or railroad taking certification action for not reporting earlier than 48 hours	1,000	2,000
240.113—Furnishing prior employment information		
(a) Failure to take action required to make information available	1,000	2,000
(b) Failure to request record	1,000	2,000
240.115—Criteria for considering prior motor vehicle conduct		
(b) Considering excluded data	2,000	4,000

(c) Failure to		
(1) consider data	5,000	7,500
(3,4) properly act in response to data	2,500	5,000
240.117—Consideration of Operational Rules Compliance Records:		
(a) Failure to have program and procedures	5,000	10,000
(b-j) Failure to have adequate program or procedure	2,500	5,000
240.119—Consideration of substance abuse /rules compliance records		
(a) Failure to have program and procedures	5,000	10,000
(b-e) Failure to have adequate program or procedure	2,500	5,000
240.121—Failure to have adequate procedure for determining acuity	2,500	5,000
(f) Failure of engineer to notify	2,500	5,000
240.123—Failure to have:		
(b) Adequate procedures for continuing education	2,500	5,000
(c) adequate procedures for training new engineers	2,500	5,000
240.125—Failure to have		
(a) adequate procedures for testing knowledge	2,500	5,000
(d) adequate procedures for documenting testing	2,500	5,000
240.127—Failure to have		
(a) adequate procedures for evaluating skill performance	2,500	5,000
(c) adequate procedures for documenting skills testing	2,500	5,000
240.129—Failure to have		
(a-b) adequate procedures for monitoring performance	2,500	5,000
Subpart C—Implementation of the Process		
240.201—Schedule for implementation		
(a) Failure to select supervisors by specified date	1,000	2,000
(b) Failure to identify grandfathered engineers	2,000	4,000
(c) Failure to issue certificate to engineer	1,000	2,000
(d) Allowing uncertified person to operate	5,000	10,000
(e-g) Certifying without complying with subpart C	2,500	5,000
(h-i) Failure to issue certificate to engineer	1,000	2,000
240.203—		
(a) Certifying a person without determining that		
(1) person meets the eligibility criteria	5,000	7,500

(2) person meets the medical criteria	2,500	5,000
(3) person has demonstrated knowledge	2,500	5,000
(4) person has demonstrated skills	2,500	5,000
(b) Certifying a person without determining that		
(1) person has completed training program	2,500	5,000
(2) person meets the eligibility criteria	2,500	5,000
(3) time has elapsed	2,500	5,000
240.205—Procedures for determining eligibility based on prior safety conduct		
(a) Selecting person lacking eligibility	5,000	7,500
(b) Failure to have basis for taking action	2,500	5,000
240.207—Ineligibility based on medical condition		
(a) Selecting person lacking proper acuity	2,000	4,000
(b) Failure to have basis for finding of proper acuity	1,000	2,000
(c) Acuity examinations performed by unauthorized person	1,000	2,000
(d) Failure to note need for device to achieve acuity	1,000	2,000
(e) Failure to use device needed for proper acuity	1,000	2,000
240.209—Demonstrating knowledge		
(b) Failure to properly determine knowledge	2,500	5,000
(c) Improper test procedure	2,000	4,000
(d) Failure to document test results	1,000	2,000
(e) Allowing person to operate despite test failure	2,500	5,000
240.211—Demonstrating skills		
(b) Failure to properly determine knowledge	2,500	5,000
(c) Improper test procedure	2,000	4,000
(d) Failure to document test results	1,000	2,000
(e) Allowing person to operate despite test failure	2,500	5,000
240.213—Completion of approved training program		
(a) Failure to properly determine	2,500	5,000
(b) Failure to document successful program completion	2,000	4,000
240.215—Supporting information		
(a, f-h) Failure to have a record	1,000	2,000
(b) Failure to have complete record	1,000	2,000
(i) Falsification of record	(-)	10,000
240.217—Time limits for making determinations		

(a, c) Exceeding time limit	2,000	4,000
240.219—Denial of certification		
(a) Failure to notify or provide opportunity for comment	2,000	4,000
(c) Failure to notify, provide data, or untimely notification	2,000	4,000
240.221—Identification of persons		
(a-c) Failure to have a record	2,000	4,000
(d) Failure to update a record	2,000	4,000
(e-f) Failure to make a record available	1,000	2,000
240.223—Certificate criteria		
(a) Improper certificate	1,000	2,000
(b) Failure to designate those with signatory authority	1,000	2,000
(d) Falsification of certificate	(-)	10,000
240.225—Railroad Relying on Determination of Another:		
(a) Failure to address in program or failure to require newly hired engineer to take entire training program	5,000	7,500
(1) Reliance on expired certification	2,500	5,000
(2) Reliance on wrong class of service	2,500	5,000
(3) Failure to familiarize person with new operational territory	2,000	4,000
(4) Failure to determine knowledge	2,000	4,000
(5) Failure to determine performance skills	2,000	4,000
240.227—Railroad Relying on Requirements of a Different Country		
(a) Joint operator reliance		
(1) on person not employed	1,000	2,000
(2) on person who fails to meet Canadian requirements	1,000	2,000
(b) Canadian railroad reliance		
(1) on person not employed	1,000	2,000
(2) on person who fails to meet Canadian requirements	1,000	2,000
240.229—Requirements for Joint Operations Territory:		
(a) Allowing uncertified person to operate	2,000	4,000
(b) Certifying without making determinations or relying on another railroad	2,500	5,000
(c) Failure of		
(1) controlling railroad certifying without determining certification status, knowledge, skills, or familiarity with physical characteristics	4,000	8,000

(2) employing railroad to determine person's certified and qualified status for controlling railroad	4,000	8,000
(3) person to notify employing railroad of lack of qualifications	4,000	8,000
(d) Failure to provide qualified person	2,000	4,000
240.231—Persons Qualified on Physical Characteristics in Other Than Joint Operations:		
(a) Person unqualified, no exception applies or railroad does not adequately address in program	5,000	10,000
(b) Failure to have a pilot		
(1) for engineer who has never been qualified	4,000	8,000
(2) for engineer previously qualified	2,500	5,000
Subpart D—Program Administration		
240.301—Failure to have system for certificate replacement	2,000	4,000
240.303—Monitoring operations		
(a) Failure to have program	5,000	10,000
(b) Failure to observe each person annually	1,000	2,000
(c) Failure to test each person annually	1,000	2,000
(d) Failure to test properly	1,000	2,000
240.305—Prohibited Conduct:		
(a) Unlawful:		
(1) passing of stop signal	2,500	5,000
(2) control of speed	2,500	5,000
(3) brake tests	2,500	5,000
(4) occupancy of main track	2,500	5,000
(5) tampering on operation with disabled safety device	2,500	5,000
(6) supervisor, pilot, or instructor fails to take appropriate action	2,500	5,000
(b) Failure of engineer to:		
(1) carry certificate	1,000	2,000
(2) display certificate when requested	1,000	2,000
(c) Failure of engineer to notify railroad of limitations or railroad requiring engineer to exceed limitations	4,000	8,000
(d) Failure of engineer to notify railroad of denial or revocation	4,000	8,000
240.307—Revocation of Certification:		
(a) Failure to withdraw person from service	2,500	5,000
(b) Failure to notify, provide hearing opportunity, or untimely procedures	2,500	5,000
(c-h) Failure of railroad to comply with hearing or waiver procedures	1,000	2,000
(j) Failure of railroad to make record	2,500	5,000

(k) Failure of railroad to conduct reasonable inquiry or make good faith determination	5,000	10,000
240.309—Oversight Responsibility Report:		
(a) Failure to report or to report on time	1,000	2,000
(b-h) Incomplete or inaccurate report	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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[56 FR 28254, June 19, 1991, as amended at 60 FR 53138, Oct. 12, 1995; 63 FR 11624, Mar. 10, 1998; 64 FR 60995, Nov. 8, 1999; 69 FR 30595, May 28, 2004; 73 FR 79704, Dec. 30, 2008; 74 FR 68185, Dec. 23, 2009; 77 FR 24422, Apr. 24, 2012; 81 FR 43112, July 1, 2016; 83 FR 60750, Nov. 27, 2018]

Part 241—Schedule of Civil Penalties¹

(current as of May 23, 2019)

Section²	Violation	Willful violation
241.9(a) Requiring or permitting extraterritorial dispatching of a railroad operation	\$7,500	\$11,000
(b) Failing to notify FRA about extraterritorial dispatching of a railroad operation in an emergency situation	5,000	7,500
241.11 Conducting a railroad operation that is extraterritorially dispatched:		
(a)(1) Generally	7,500	11,000
(a)(2) In an emergency situation-where dispatching railroad fails to notify FRA of the extraterritorial dispatching	2,500	5,000
241.13 Requiring or permitting track to be used for the conduct of a railroad operation that is extraterritorially dispatched:		
(a)(1) Generally	7,500	11,000
(a)(2) In an emergency situation-where dispatching railroad fails to notify FRA of the extraterritorial dispatching	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 the statutory maximum amount for any violation where circumstances warrant. See 49 U.S.C. 21301, 21304 and 49 CFR part 209, appendix A.

² Further designations for certain provisions, not found in the CFR citation for those provisions, and not found in this appendix, are FRA Office 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 civil penalty demand letter.

[67 FR 75960, Dec. 10, 2002, as amended at 73 FR 79705, Dec. 30, 2008; 77 FR 24423, Apr. 24, 2012; 81 FR 43112, July 1, 2016; 83 FR 60750, Nov. 27, 2018]

Part 242—Schedule of Civil Penalties¹

(current as of May 23, 2019)

Section	Violation	Willful violation
Subpart B—Program and Eligibility Requirements:		
242.101—Program failures:		
(a) Failure to have program	\$10,000	\$20,000
(a)(1)-(6) Program that fails to address a subject	2,500	5,000
242.103—Program approval:		
(a)-(b) Failure to follow Appendix B	1,000	2,000
(c) Failure to comply with filing requirements	1,000	2,000
(h) to resubmit, when directed by FRA	1,000	2,000
242.105—Schedule for implementation:		
(a)-(b) Failure to designate conductors	2,000	4,000
(c) Allowing uncertified person to serve as conductor	7,500	15,000
(d)-(e) Certifying without complying with subpart B or failure to issue a certificate	2,500	5,000
(f) Serving as a conductor without complying with subpart B or being issued a certificate	7,500	15,000
242.107—Types of service:		
(a) Failure to designate types of service	2,000	4,000
(c) Reclassifying a certificate	2,500	5,000
242.109—Certification and recertification determinations:		
(a) Failure to determine in writing the requirements of (a)(1), (a)(2), (a)(3), and/or (a)(4)	2,500	5,000
(b) Considering excluded data	2,000	4,000
(c) Failure to have required documents on file	1,000	2,000
(d), (e) Failure to provide timely review opportunity	2,000	4,000
242.111—Motor vehicle operator records:		
(a) Failure to implement program meeting requirements	6,000	
(b) Failure to determine eligibility requirements met	5,000	7,500
(c) Failure to initially certify	2,000	4,000
(d) Failure to recertify	2,000	4,000
(e) Allowing person to serve as conductor before information is evaluated	7,500	15,000
(f) Failure to certify or certify during pendency of waiver request	2,000	4,000

(g) Failure to take action to make information available	1,000	2,000
(h), (i), (j) Failure to request record	1,000	2,000
(k) Failure to notify of absence of license	1,000	2,000
(l) Failure to report in timely manner or railroad taking certification action for not reporting earlier than 48 hours	1,000	2,000
(m), (n) Considering excluded data	2,000	4,000
(o) Failure to:		
(1) Consider data	6,000	10,000
(3), (4) Properly act in response to data	2,500	5,000
242.113—Prior safety conduct:		
(a) Failure to implement program meeting requirements	6,000	
(b) Failure to determine eligibility requirements met	5,000	7,500
(c) Failure to request record or take required action	2,000	2,000
242.115—Substance abuse/rules:		
(a) Failure to implement program meeting requirements	6,000	
(b) Failure to determine eligibility requirements met	5,000	7,500
(c) Failure to have basis for taking action	2,500	5,000
(d)-(g) Failure to comply with requirements	2,500	5,000
242.117—Vision and hearing acuity:		
(a) Failure to implement program meeting requirements	6,000	
(b) Failure to determine eligibility requirements met	5,000	7,500
(c) Failure to have basis for finding proper acuity	1,000	2,000
(d) Acuity examination performed by unauthorized person	1,000	2,000
(e) Failure to note need for device to achieve acuity	1,000	2,000
(f) Failure to use device needed for proper acuity	1,000	2,000
(h)-(j) Failure to comply with requirements	2,500	5,000
(k) Failure of conductor to notify	2,500	5,000
242.119—Training:		
(a) Failure to implement program meeting requirements	6,000	
(b) Failure to determine eligibility requirements met	5,000	7,500
(c) Failure to determine in writing the requirements of (c)(1), (c)(2), and/or (c)(3)	2,500	5,000
(d) Failure to:		
(1) Make determination, include proper curriculum, and/or document knowledge and ability	2,500	5,000
(2) Failure to include component	1,000	2,000

(3) Failure to make information available	1,000	2,000
(4) Failure to maintain steps or tasks in one manual or make available	1,000	2,000
(5) Failure to review and modify training plan	1,000	2,000
(e) Failure to require person to meet requirements	2,500	5,000
(f) Failure to provide opportunity to consult	1,000	2,000
(g)-(k) Failure to have adequate procedures or include procedures in program	2,500	5,000
(l) Failure to have adequate procedures for or provide continuing education	2,500	5,000
242.121—Knowledge testing:		
(a) Failure to implement program meeting requirements	6,000	
(b) Failure to determine eligibility requirements met	5,000	7,500
(c) Failure to have adequate procedures for testing knowledge	2,500	5,000
(d) Failure to properly document testing	2,500	5,000
(e) Failure to provide opportunity to consult	2,500	5,000
(f) Failure to document whether test was passed or failed	2,500	5,000
(g) Allowing person to serve as a conductor despite test failure	2,500	5,000
242.123—Monitoring operational performance:		
(a)-(b) Failure to implement program meeting requirements	6,000	
(c) Failure to test each conductor annually	2,500	5,000
(d) Failure to test properly	2,500	5,000
(e) Failure to indicate the action to be take	2,500	5,000
(f) Failure to test within time limits	2,500	5,000
242.125—Reliance on determination of another:		
(a) Failure to address in program or require newly hired conductor to take entire training program	5,000	7,500
(b) Failure to make any required determinations	2,500	5,000
242.127—Relying on requirements of a country:		
(a)-(b) Failure to determine person employed and meets Canadian standards	2,500	5,000
Subpart C—Administration of the Certification Program:		
242.201—Time limitations:		
(a), (c), and (d) Exceeding time limit	2,000	4,000
242.203—Supporting information:		
(a), (c)-(e) Failure to have a record	2,500	5,000
(b) Failure to have a complete record	2,000	4,000
(f) Falsification of a record	(-)	10,000

(g) Failure to comply with requirements if records maintained electronically	2,000	4,000
242.205—Identification of persons:		
(a)-(b) Failure to have a record	2,500	5,000
(c) Failure to update or make a record available	2,000	4,000
(d) Falsification of a record	(-)	10,000
(e) Failure to comply with requirements if records maintained electronically	2,000	4,000
242.207—Certificate components:		
(a) Improper certificate	1,000	2,000
(b) Failure to designate those with signing authority	1,000	2,000
(d) Falsification of a certificate	(-)	10,000
242.209—Maintenance of the certificate:		
(a) Failure of conductor to carry certificate or display certificate when requested	1,000	2,000
(b) Failure of conductor to notify railroad of limitations or railroad requiring conductor to exceed limitations	4,000	8,000
242.211—Replacement of certificates:		
(a) Failure to have a reasonably accessible system for certificate replacement	2,000	4,000
(b) Failure to comply with requirements for temporary replacement certificates	1,000	2,000
242.213—Multiple certifications:		
(d) Allowing an engineer to operate without a conductor where the engineer is not certified as a conductor or not accompanied by a certified conductor	7,500	15,000
(e) Failure to comply with emergency restrictions	2,500	5,000
(f) Failure of conductor to notify railroad of denial or revocation	4,000	8,000
(g) Performing conductor service with a revoked conductor certificate	7,500	15,000
(h), (k) Performing work as an engineer or obtaining an engineer certificate with a conductor certification revoked for a violation of 242.403(e)(1)-(e)(5) or (e)(12)	7,500	15,000
(i), (j) Performing work as a conductor or obtaining a conductor certificate with an engineer certification revoked under 240.307	7,500	15,000
(l) Denying or revoking engineer certification or recertification based solely on the denial of conductor certification	4,000	8,000
(m) Denying or revoking conductor certification or recertification based solely on the denial of engineer certification	4,000	8,000
242.215—Oversight responsibility:		
(a) Failure to perform annual review and analysis or perform on time	2,000	4,000
(b)-(i) Incomplete or inaccurate report	2,500	5,000

Subpart D—Territorial Qualification and Joint Operations		
242.301—Territorial qualification:		
(a) Allowing uncertified person or person not territorially qualified to serve as a conductor	7,500	15,000
(b) Failure to notify railroad of lack of qualifications	4,000	8,000
(c) Failure to provide required assistance	4,000	8,000
(d) Failure to provide assistance or up-to-date job aid	4,000	8,000
Subpart E—Denial and Revocation of Certification		
242.401—Denial of certification:		
(a) Failure to notify or provide opportunity for comment	2,000	4,000
(c) Failure to notify, provide data, or untimely notification	2,000	4,000
242.403—Revocation criteria:		
(a) Failure to implement program meeting requirements	6,000	
(b) Unlawful failure to comply with rules and practices	2,500	5,000
(c) Failure to revoke certification	2,500	5,000
(d) Considering excluded data	2,500	5,000
(e) Considering unlisted violations of operating rules and practices	2,500	5,000
(f) Improperly counting or considering violations	2,500	5,000
242.405—Periods of ineligibility:		
(a)-(c) Imposition of incorrect period of ineligibility	2,500	5,000
242.407—Revocation of certification:		
(a) Failure to revoke certification	7,500	15,000
(b) Failure to suspend, notify, provide hearing opportunity, or improper procedures	2,500	5,000
(c)-(h) Failure of railroad to comply with hearing or waiver procedures	2,500	5,000
(j) Failure of railroad to make record	1,000	2,000
(k) Failure of railroad to conduct reasonable inquiry or make good faith determination	5,000	10,000

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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[76 FR 69841, Nov. 9, 2011, as amended at 77 FR 24423, Apr. 24, 2012; 81 FR 43113, July 1, 2016; 83 FR 60750, Nov. 27, 2018]

Part 243—Schedule of Civil Penalties¹*(current as of May 23, 2019)*

Section	Violation	Willful violation
Subpart B—Program Components and Approval Process		
243.101—Employer program required:		
(a-c) Complete failure to submit, adopt, or comply with program	\$7,500-12,500	\$11,000-\$16,000
(a-c) Partial failure to submit, adopt, or comply with program; or failure to correct deficiencies upon FRA's request	4,500-9,500	6,500-13,000
(d) OJT program requirements or failure to make reference materials available	2,000-4,500	4,000-6,500
(e-f) Program validation	2,000	4,000
243.105 Claiming optional model program is FRA-approved, when it is not:	2,000-4,500	4,000-6,500
243.109 Training program submission, review, and approval process:		
(a) Failure to timely resubmit program	2,000-4,500	4,000-6,500
(b) Failure to timely submit informational filing	2,000-4,500	4,000-6,500
(c) Failure to submit new portions or revisions	4,500	6,500
(d) Railroad failure to serve program	1,000	2,000
243.111 Approval of programs filed by training organizations or learning institutions:		
(a-b) Claiming training is FRA-approved, when it is not	2,000-4,500	4,000-6,500
(c-f) FRA approved some training, but all conditions not met	2,000-4,500	4,000-6,500
(g-h) Records	1,000	2,000
Subpart C—Program Implementation and Oversight Requirements		
243.201 Employee qualification requirements:		
(a-b) Failure to designate an employee	1,000	2,000
(c-f) Other failures and refresher training (per employee)	1,000	2,000
243.203 Records:		
(a-f) Failure to maintain records (per employee)	1,000	2,000
243.205 Periodic oversight	4,500-9,500	6,500-13,000
243.207 Annual review	4,500	6,500

243.209 Railroad maintained list of contractors utilized	4,500	6,500
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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 the statutory maximum amount for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[79 FR 66501, Nov. 7, 2014, as amended at 81 FR 43113, July 1, 2016; 83 FR 60750, Nov. 27, 2018]

Part 270—Schedule of Civil Penalties

(current as of May 23, 2019)

PENALTY SCHEDULE¹

	Violation	Willful violation
Subpart B—System Safety Program Requirements		
270.101—System safety program; general:		
(a) Failure to establish a system safety program	\$15,000	\$30,000
(a) Failure to include a risk-based hazard management program in the railroad's system safety program	10,000	20,000
270.103—System safety program plan:		
(a)(1) Failure to include and comply with any required element or any sub-element in the SSP plan	7,500	15,000
(a)(2) Failure to communicate and coordinate with host railroad on the SSP plan	7,500	15,000
270.107—Consultation Requirements:		
(a)(1) Failure to consult with directly affected employees	10,000	20,000
Failure to consult in good faith and/or use best efforts	10,000	20,000
(a)(3) Failure to hold preliminary meeting	7,500	15,000
Failure to hold preliminary meeting within April 10, 2017	5,000	10,000
Failure to notify directly affected employees no less than 60 days before meeting is held	7,500	15,000
(b) Failure to submit consultation statement with plan submission	7,500	15,000
Failure to include all required elements in consultation statement	5,000	10,000
(d) Failure to submit consultation statement with submission of plan amendment	5,000	10,000
Subpart C—Review, Approval, and Retention of SSP Plans		
270.201—Filing and approval:		
(a)(1) Failure to file an initial SSP plan	10,000	20,000
Failure to file a SSP plan within 90 days of commencing operations	10,000	20,000
(a)(3) Failure to include all required information in submission	5,000	10,000
(b)(3) Failure to correct identified deficiencies and amend SSP plan	7,500	15,000
Failure to submit amended SSP plan	7,500	15,000
Failure to submit amended SSP plan within 90 days	5,000	10,000
(c)(1)(i) Failure to submit amendment to SSP plan	7,500	15,000

Failure to submit amendment to SSP plan within 60 days	5,000	10,000
(c)(2)(iii) Failure to submit corrected amendment or notify FRA of retraction	7,500	15,000
Failure to submit corrected amendment within 60 days	5,000	10,000
270.203—Retention of SSP plan:		
Failure to retain a copy of the SSP plan at the system/division headquarters	10,000	20,000
Failure to make records available to representatives of FRA and States participating under part 212 of this chapter	7,500	15,000
Subpart D—System Safety Program Internal Assessments and External Auditing		
270.303—Internal program assessment:		
(a) Failure to conduct an annual internal assessment	10,000	20,000
Failure to include all required elements in the internal assessment	7,500	15,000
(b) Failure to include a statement in the SSP plan describing the required elements	5,000	10,000
(c)(1)(i) Failure to submit to FRA the internal assessment report	7,500	15,000
Failure for the internal assessment report to contain all required elements and sub-elements	5,000	10,000
(c)(1)(ii) Failure to develop and outline improvement plans	7,500	15,000
Failure to comply with improvement plans	7,500	15,000
(c)(2) Failure of chief official responsible for safety to certify the results of the internal assessment	5,000	10,000
270.305—External safety audit:		
(b)(1) Failure to submit improvement plans	7,500	15,000
Failure to submit improvement plans within 60 days	5,000	10,000
Failure to include all required elements in the improvement plans	5,000	10,000
(b)(2) Failure to amend and submit to FRA the improvement plan	7,500	15,000
Failure to submit amended improvement plan within 30 days	5,000	10,000
(b)(3) Failure to provide a report regarding the status of the implementation of the improvements set forth in the improvement plan	7,500	15,000

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 the statutory maximum for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[81 FR 53896, Aug. 12, 2016, as amended at 82 FR 16135, Apr. 3, 2017]

49 CFR Part 272—Schedule of Civil Penalties¹
(current as of May 23, 2019)

SUBPART B—PLAN COMPONENTS AND APPROVAL PROCESS

Section	Violation	Willful violation¹
272.101 Content of a critical incident stress plan:		
(a) Failure to inform about relief options	5,000	6,000
(b) Failure to offer timely relief from duty tour	5,000	10,000
(c) Failure to offer timely transportation to home terminal	5,000	10,000
(d) Failure to offer counseling, guidance, support services	5,000	10,000
(e) Failure to permit relief from duty tour(s) subsequent to incident	5,000	10,000
(f) Failure to permit additional leave to receive preventive services or treatment related to the incident	5,000	10,000
272.103 Submission of critical incident stress plan for approval by the Federal Railroad Administration.		
(a) Failure to submit a plan to FRA	9,000	18,000
(b) Failure to simultaneously file a copy	5,000	10,000
(e) Failure to submit a material modification to the plan	7,500	15,000
(f) Failure to make a copy of the plan available to covered employees	3,000	6,000
(g) Failure to make a copy of the plan available to FRA	3,000	6,000

¹ A civil penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to the statutory maximum amount for any violation where circumstances warrant. See 49 U.S.C. 21301, 21304 and 49 CFR part 209, Appendix A.

[79 FR 16233, Mar. 25, 2014, as amended at 81 FR 43113, July 1, 2016; 83 FR 60750, Nov. 27, 2018]