

Part 209

(current as of Mar. 8, 2023)

49 CFR Section	Description	Guideline amount ¹
Emergency Orders		Penalty will vary depending on the specific circumstances of the order and facts.
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 registration records on proper request.	2,000
	Deliberate attempt to hide records-considerable aggravation possible.	Varies.
PART 130 –OIL SPILL PREVENTION AND RESPONSE PLANS		
130.31	Failure to have a basic spill response plan.	See 33 U.S.C. 1321(6), as adjusted for inflation per 40 CFR 19.4
130.33	Failure to implement basic spill response plan after a discharge of oil.	See 33 U.S.C. 1321(6), as adjusted for inflation per 40 CFR 19.4
130.100	Failure to develop or submit a comprehensive oil spill response plan (COSRP) for approval. (See also 130.150.)	See 33 U.S.C. 1321(6), as adjusted for inflation per 40 CFR 19.4
130.105-.130	Failure to include one or more required components in COSRP.	See 33 U.S.C. 1321(6), as adjusted for inflation per 40 CFR 19.4
130.135(a)	Failure to certify in COSRP that employees were trained.	See 33 U.S.C. 1321(6), as adjusted for inflation per 40 CFR 19.4
130.135(b)	Failure to conduct recurrent training on COSRPs.	See 33 U.S.C. 1321(6), as adjusted for inflation per 40 CFR 19.4
130.135(c)	Failure to create, retain, or make training records available to DOT officials.	See 33 U.S.C. 1321(6), as adjusted for inflation per 40 CFR 19.4

49 CFR Section	Description	Guideline amount ¹
130.140(a)	Failure to include in COSRP description of methods used to ensure equipment testing.	See 33 U.S.C. 1321(6), as adjusted for inflation per 40 CFR 19.4
130.140(b)	Failure to implement exercise program for COSRPs.	See 33 U.S.C. 1321(6), as adjusted for inflation per 40 CFR 19.4
130.140(c)	Failure to keep records on exercise or provide them to DOT officials.	See 33 U.S.C. 1321(6), as adjusted for inflation per 40 CFR 19.4
130.145	Failure to review plan, update plan, or maintain or provide copies of plan to appropriate individuals.	See 33 U.S.C. 1321(6), as adjusted for inflation per 40 CFR 19.4
130.155	Failure to implement COSRP after a discharge of oil.	See 33 U.S.C. 1321(6), as adjusted for inflation per 40 CFR 19.4
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

49 CFR Section	Description	Guideline amount ¹
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.
171.3(a)	Offering for transportation or transport a hazardous waste in interstate or intrastate commerce not in accordance with the requirements of this subchapter. A more specific citation should be used instead.	
171.12; 171.22-171.25	Hazardous materials offered for transportation must be transported in accordance with U.S. requirements, Transport Canada TDG Regulations, an equivalency certificate issued under Transport Canada TDG Regulations, or an authorized international standard as described in §§ 171.22-171.26. Failure to consistently apply one set of requirements or standards will result in penalties that equivalent to parallel penalties in other sections of this subchapter.	Equivalent penalties depending on the circumstances.
171.15	Failure to provide immediate notice of certain hazardous materials incidents.	6,000
171.16	Failure to file a detailed incident report (form DOT 5800.1). (Multiple failures will aggravate the penalty.)	4,000
PART 172—SHIPPING PAPERS		

49 CFR Section	Description	Guideline amount ¹
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

49 CFR Section	Description	Guideline amount ¹
	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.)	Equivalent 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 size 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.)	

49 CFR Section	Description	Guideline amount ¹
	—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
172.310-.324	Failure to mark in accordance with the appropriate subsection.	2,500
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

49 CFR Section	Description	Guideline amount ¹
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 on 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

49 CFR Section	Description	Guideline amount ¹
	—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
	EXPLOSIVES 1.1, EXPLOSIVES 1.2, POISON GAS,	

49 CFR Section	Description	Guideline amount ¹
172.510(a)	(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
	<p>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.</p> <p>Considerable aggravation of the penalties under these sections is possible.</p>	

49 CFR Section	Description	Guideline amount ¹
Emergency Response Information:		
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
	Out-of-date, missing, or incorrect emergency response information that could cause a significant difference in response.	5,000
	Out-of-date, missing, or incorrect 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:		
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:	
	—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.)	2,500

49 CFR Section	Description	Guideline amount ¹
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: —Personnel security; —Unauthorized access; —En route security.	2,000
	(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.)	
172.802(c)	Failure to revise/ 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)	

49 CFR Section	Description	Guideline amount ¹
	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. <i>Factors to consider are the size of the railroad carrier, and the quantities of hazmat transported.</i>	5,000 to 10,000
172.820(a)-(e)	Partial failure to complete route analysis; failure to complete a component of the route analysis.	
	—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	5,000
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.	
	—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>	2,000
	Failure to include one or more of the following measures in a safety and security plan:	

49 CFR Section	Description	Guideline amount ¹
172.820(h)	<ul style="list-style-type: none"> —Measures that minimize the duration of any storage of the material incidental to the movement —Measures that prevent unauthorized access to materials during storage or delays in transit —Measures that mitigate risks to population centers. —Measures that address situations of escalating threat levels for materials stored in transit 	1,000-4,000 depending on the number of measures missing.
	Failure to develop procedures for notifying consignee within 48 hours of significant delay during transportation.	1,000
	Procedures developed, but do not have a revised delivery schedule.	1,000
172.820(i)	Failure to maintain records and make available to DOT and DHS authorized officials.	2,000
172.820(j)	Failure to use route designated by FRA Associate Administrator for Railroad Safety & Chief Safety Officer.	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(b)	Failure to display fumigation marking. (Ordinarily cited against shipper only, not against railroad.)	2,000
173.9(c)	Marked FUMIGANT when not fumigated.	1,000
173.9(d)	Fumigant marking removed prior to complete ventilation.	2,000
173.9(e)	Fumigant marking not in conformance with this section.	2,000
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:		
173.21	Offering for transportation materials designated as forbidden in this section.	3,000

49 CFR Section	Description	Guideline amount ¹
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)	<p>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 leak of vapors or less than a gallon of product will aggravate the guideline by, typically, 50%; a leak of a gallon or more of product by 75%; a leak with contact with a human will aggravate by at least 100%, up to the maximum annual penalty amount, 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.</p>	
	—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 leak of vapors or less than a gallon of product will aggravate the guideline by, typically, 50%; a leak of a gallon or more of product by 75%; a leak with contact with a human will aggravate by at least 100%, up to the maximum of \$96,624, and up to \$225,455 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, <i>e.g.</i> , IBC; <i>not</i> portable tank or tank	

49 CFR Section	Description	Guideline amount ¹
	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 of vapors or less than a gallon of product.	5,000
	—Causes leak of a gallon or more of product.	10,000
	—Leak with any contact between product and any human.	20,000
173.24a(b) and (d)	Non-bulk packagings: Exceeding filling limits.	1,000
	—Causes leak of vapors or less than a gallon of product.	5,000
	—Causes leak of a gallon or more of product.	10,000
	—Leak with any contact between product and any human.	20,000
173.24b(a)	Insufficient outage:	
	—<1%	3,000
	—Causes leak	5,000
	Outage <5% on PIH material	5,000
	—Causes leak of vapors or less than a gallon of product.	5,000
	—Causes leak of a gallon or more of product.	10,000
	—Leak with any contact between product and any human.	20,000
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

49 CFR Section	Description	Guideline amount ¹
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
	<ul style="list-style-type: none"> • —With leak of vapors or less than a gallon of product. • —Causes leak of a gallon or more of product. 	5,000 10,000
	<ul style="list-style-type: none"> • —With leak allowing the product to contact any human. 	20,000
	—Hazardous material with vapor pressure (essentially any gas or compressed gas) and/or with classification as “poison” or “inhalation hazard.”	5,000
	<ul style="list-style-type: none"> • With leak of vapors or less than a gallon of product • Causes leak of a gallon or more of product 	7,500 12,500
	<ul style="list-style-type: none"> • With leak allowing the product (or fumes or vapors) to contact any human. (In the case of fumes, the “contact” must be substantial.) 	22,500
	—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

49 CFR Section	Description	Guideline amount ¹
	§ 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 a tank car builder, or facility that performs the functions of a tank car builder, has the duty here, but it is the presence of the stencil that gives the shipper, or any facility that alters the tank car, the right to rely on the builder or facility. (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 or TCID).	7,500
	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;	

49 CFR Section	Description	Guideline amount ¹
173.31(a)(3)	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. See § 179.14 for correct coupler.	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.	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.	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 FRA.	2,500

49 CFR Section	Description	Guideline amount ¹
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 all 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 leak of vapors or less than a gallon of product.	10,000
	—With leak of a gallon or more of product.	15,000
	—With leak allowing the product (or fumes or vapors) to contact any human. (With safety vent, investigate to determine any carrier responsibility.	20,000
	—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 leak of vapors or less than a gallon of product.	5,000
	—With leak of a gallon or more of product.	10,000
	—With leak allowing the product to contact any human.	20,000

49 CFR Section	Description	Guideline amount ¹
	—Hazardous material with vapor pressure (essentially any gas or compressed gas) and/or with classification as “poison” or “inhalation hazard.”	5,000
	—With leak of vapors or less than a gallon of product.	7,500
	—With leak of a gallon or more of product.	12,500
	—With leak allowing the product (or fumes or vapors) to contact any human. (In the case of “fumes,” the “contact” must be substantial.)	22,500
	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

49 CFR Section	Description	Guideline amount ¹
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.	

49 CFR Section	Description	Guideline amount ¹
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, leakage, and signs of tampering, including presence of an improvised explosive device. The inspection may be performed in conjunction with the inspections required under parts 215 and 232. This requirement will not “trigger” an inspection and require a train to be stopped. For example, in run through train operations, the train crew of the receiving railroad s 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. Penalties may also be assessed under this section for forwarding or transporting a defective car without repairing the deficiency or obtaining a movement approval in accordance with 174.50.</p>	For loaded car 5,000. For residue car 2,000.
174.14	Failure to expedite: Violation of “48-hour rule.”	2,500
174.16	Failure to properly remove or dispose of hazardous materials at destination.	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>	
	<p>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</p>	

49 CFR Section	Description	Guideline amount ¹
174.24(a)	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	

49 CFR Section	Description	Guideline amount ¹
	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 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

49 CFR Section	Description	Guideline amount ¹
	—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:		

49 CFR Section	Description	Guideline amount ¹
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 contact.	15,000
174.57	Failure to clean hazardous material leakage.	5,000
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.</p> <p>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

49 CFR Section	Description	Guideline amount ¹
	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.	
174.61	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).)	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 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 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
	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	

49 CFR Section	Description	Guideline amount ¹
174.67(a)(1)	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.)	5,000
174.67(a)(2)	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.)	
	—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)	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.	4,000
174.67(a)(4)	Unloading/transloading without caution signs properly displayed. (See Part 218, Subpart B.)	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

49 CFR Section	Description	Guideline amount ¹
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.	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). 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

49 CFR Section	Description	Guideline amount ¹
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

49 CFR Section	Description	Guideline amount ¹
	—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	Failure to load explosives as prescribed.	
	—General failure to follow loading procedures for explosives.	5,000
	—Inadequate loading (an attempt was made to follow prescribed procedures but was insufficient).	2,500
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
174.102	Forbidden mixed materials loaded or transported.	5,000
174.103	Improper disposition of damaged or astray shipments.	5,000

49 CFR Section	Description	Guideline amount ¹
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
174.105	Failure to verify correct routing information.	2,500
174.106	Failure to follow proper procedures for "Order-Notify" or "C.O.D." shipments.	1,000
174.110	Failure to follow requirements for magazine boxes.	1,000
174.112	Failure to follow loading requirements for Division 1.3 and 1.2 materials.	5,000
174.114	Failure to follow record requirements for changing seals.	2,500
174.115	Failure to follow loading requirements for Division 1.4 materials.	5,000
Detailed Requirements for Class 2 (Gases) Materials:		
174.200	Failure to follow special handling requirements.	5,000
174.201	Failure to properly transport Class 2 material cylinders.	5,000
174.204	Improper tank car delivery of gases (Class 2 materials).	3,000
174.290	Failure to follow special handling requirements for materials extremely poisonous by inhalation shipped by, for, or to the Department of Defense.	7,500
Detailed Requirements for Class 3 (Flammable Liquid) Materials:		
174.300	Failure to follow special handling requirements.	5,000
174.304	Improper tank car delivery of flammable liquids (Class 3 materials).	3,000
174.310	Failure to follow additional safety requirements for the operation of high-hazard flammable trains.	5,000

49 CFR Section	Description	Guideline amount ¹
174.312(a)	Complete failure to provide SERC, TERC, or other agency required high hazard flammable train (HHFT) information.	10,000
174.312(b)	Failure to provide one or more required categories of information (penalty is per category).	2,500
173.312(c)	Failure to keep record of HHFT notification or provide record to DOT officials.	2,500
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
174.615	Failure to properly clean cars before returning to other use.	5,000
174.680	Transportation of Division 6.1 materials in the same car with foodstuffs.	5,000
Detailed Requirements for Class 7 (Radioactive) Materials:		
174.700	Failure to follow special handling requirements.	5,000
174.715	Failure to decontaminate before returning to other use.	5,000
174.750	Failure to follow procedures for leakage incidents.	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

49 CFR Section	Description	Guideline amount ¹
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	Repairs and modifications not in compliance with Appendix R of the Specifications for Tank Cars.	10,000
179.7	Section 179.7 requires that each tank car facility have a quality assurance program that encompasses at least the elements in § 179.7(b). A facility that only manufactures, maintains, or repairs service equipment or other components is not a tank car facility. The facility that qualifies the completed tank car for service after installation of the service equipment is the tank car facility. Manufacture and maintenance triggers qualification. After the car is manufactured or maintenance or a repair is performed, the tank car must be qualified before it can be used to transport hazardous materials in commerce.	
	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 180.513 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 ensure the requirements of AAR Specifications for Tank Cars apply.	10,000
	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
179.13	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	Varies. See 173.26 for overloaded cars.

49 CFR Section	Description	Guideline amount ¹
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 line a tank car in compliance with specification and lining owner's acceptance criteria.	7,500
179.201-3(b)	Three possible violations under this section:	
	(1) Failure of lining applicator to produce car owner report certifying that a tank car and its equipment have been brought into compliance with specification. Must occur prior to lining the tank car and its equipment.	
	(2) Failure of lining applicator to provide copy of the inspection and test report(s) to tank car owner and lining owner certifying that the tank has been lined in compliance with specification and owner's acceptance criteria.	
	(3) Failure of tank car owner and lining owner to retain reports of latest lining application and qualification until next lining has been applied, qualified, and documented.	
PART 180 — CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS		
PART 180 Subpart F— QUALIFICATION AND MAINTENANCE OF TANK CARS		
180.501(a)	Part 180 Subpart F 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.	
180.501(b)	Failure to establish or confirm, in writing, the use of a qualification and maintenance program and written procedures for tank cars and components as required under §179.7(d), for use by tank car facility employees. The owner's qualification and maintenance program for each tank car and component must identify where to inspect, how to inspect, and the acceptance criteria.	

49 CFR Section	Description	Guideline amount ¹
	Failure to incorporate the owner's qualification and maintenance program in the facility's quality assurance program, as required under §179.7(a)(2), (b)(3), (b)(5), and (d).	
180.501(c)	Failure to make documents available to credentialed FRA representatives for viewing and copying.	7,500
180.505	This section brings the quality assurance requirements of § 179.7 into the tank car qualification and 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 standards of Part 179 to in-service qualification and maintenance of tank cars.)	
180.509(a)	Tank car owner and tank car facility specific provisions: Multiple violations under this section are possible.	
180.509(a)(1)	Failure to inspect and test each item according to the owner's qualification and maintenance program and the requirements of this section;	10,000
180.509(a)(2)	Failure to evaluate each item in conformance with the owner's acceptance criteria;	See § 180.511.
180.509(a)(3)	Failure to ensure each tank car and component that is qualified is marked in conformance with the requirements of this section;	See § 180.515
180.509(a)(4)	Failure to ensure written reports for each tank car or component qualified under this section are prepared, in English, as required by §180.517(b) and sent to the owner according to the owner's instructions.	See § 180.517
180.509(b)	Failure to perform inspections and tests when at least one of the qualifying conditions has been met.	5,000
180.509(c)	Failure to properly perform inspections and tests at specified intervals.	5,000
180.509(d)	Failure to properly perform visual inspections.	7,500
180.509(e)	Failure to properly perform structural integrity inspections and tests.	10,000

49 CFR Section	Description	Guideline amount ¹
180.509(f)	Failure to properly perform thickness tests.	10,000
180.509(h)	Failure to properly inspect safety systems.	7,500
180.509(i)	Failure to properly perform lining and coating inspections and tests.	7,500
180.509(i)(2)	Failure to develop a written procedure for collecting, analyzing, and documenting records of the interior coating or lining and commodity combination loaded into a tank car that supports the qualification interval.	7,500
180.509(j)	Failure to properly perform leakage pressure tests.	7,500
180.509(k)(1)	Failure to analyze service equipment inspection and test results for any given lading and, based on the analysis, adjust the inspection and test frequency to ensure that the design level of reliability and safety of the equipment is met.	7,500
	Failure to maintain all supporting documentation used to make such analyses and inspection and test frequency adjustments and make the supporting documentation available to FRA upon request.	7,500
180.509(k)(2)	Failure to qualify service equipment, including reclosing pressure relief devices and interior heater systems, in accordance with the applicable provisions of Appendix D of the Specification for Tank Cars (IBR, see §171.7 of this subchapter).	7,500
180.509(l)	Failure to perform inspections and tests in accordance with an alternative inspection and test procedure or interval based on 1) a damage-tolerance analysis that includes a determination of the probable locations and modes of damage or 2) a service reliability assessment supported by an analysis of systematically collected data. (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
180.511	Failure to state inspection and test acceptance criteria.	10,000
	Failure to evaluate the results of inspections and tests to ensure the tank car is qualified for use (railworthy).	

49 CFR Section	Description	Guideline amount ¹
180.513	Failure to comply with the applicable requirements of this subpart, the AAR Specifications for Tank Cars, or the owner's requirements (including the failure to identify and obtain tank car owner, service equipment owner, or interior coating / lining owner written permission before performing work affecting alteration, conversion, repair, or qualification.)	7,500
180.515	Failure to mark the tank as required.	7,500
180.517	Failure to retain the approved Certificate of Construction (AAR Form 4-2) and related papers throughout the period of ownership and for one year thereafter certifying that the specification tank car identified in the documents was manufactured in accordance with the applicable specification. This includes a change of ownership requiring the applicable provisions of AAR Specifications for Tank Cars Chapter 1.3.1.5 to apply.	7,500
180.517(b)	Failure to retain copies of written reports for each tank car inspected and tested as specified in §180.509 until successfully completing the next inspection and test of the same type.	7,500
180.519	Periodic retest and inspection of 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

49 CFR Section	Description	Guideline amount ¹
----------------	-------------	-------------------------------

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 \$96,624 for each violation, except that the maximum civil penalty for a violation is \$225,455 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property; and a minimum \$582 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; 84 FR 37059, July 31, 2019; 86 FR 1745, Jan. 11, 2021; 86 FR 23241, May 3, 2021; 87 FR 15839, Mar. 21, 2022; 88 FR 1114, Jan. 6, 2023]

Part 213—Track Safety Standards-Schedule of Civil Penalties

Section	Violation (Base)	Willful Violation1 (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart A—General:				
213.4(a) Excepted track ²	\$ 2,500	\$ 5,000	\$ 5,000	\$ 10,000
213.4(b) Excepted track ²	2,500	5,000	5,000	10,000
213.4(c) Excepted track ²	2,500	5,000	5,000	10,000
213.4(d) Excepted track ²	2,500	5,000	5,000	10,000
213.4(e):				
(1) Excepted track	5,000	7,500	10,000	15,000
(2) Excepted track	7,000	10,000	14,000	20,000
(3) Excepted track	7,000	10,000	14,000	20,000
(4) Excepted track	5,000	7,500	10,000	15,000
213.4(f) Excepted track	2,000	4,000	4,000	8,000
213.7 Designation of qualified persons to supervise certain renewals and inspect track	1,000	2,000	2,000	4,000
213.9 Classes of track: Operating speed limits	2,500	2,500	5,000	5,000
213.11 Restoration or renewal of track under traffic conditions	2,500	2,500	5,000	5,000
213.13 Measuring track not under load	1,000	2,000	2,000	4,000
Subpart B—Roadbed:				
213.33 Drainage	2,500	5,000	5,000	10,000
213.37 Vegetation	1,000	2,000	2,000	4,000
Subpart C—Track Geometry:				
213.53 Gage	5,000	7,500	10,000	15,000
213.55 Track alinement	5,000	7,500	10,000	15,000
213.57 Curves; elevation and speed limitations	2,500	5,000	5,000	10,000
213.59 Elevation of curved track; runoff	2,500	2,500	5,000	5,000
213.63 Track surface	5,000	7,500	10,000	15,000
213.65 Combined track alinement and surface deviations	5,000	7,500	10,000	15,000
Subpart D—Track structure:				
213.103 Ballast; general	2,500	5,000	5,000	10,000
213.109 Crossties				
(a) Material used	1,000	2,000	2,000	4,000
(b) Distribution of ties	2,500	5,000	5,000	10,000
(c) and (d) Sufficient number of non-defective ties	1,000	2,000	2,000	4,000
(e) Joint ties	2,500	5,000	5,000	10,000
(f) Track constructed without crossties	2,500	5,000	5,000	10,000
213.110 Gage restraint measurement systems	5,000	7,500	10,000	15,000
213.113 Defective rails	5,000	7,500	10,000	15,000
213.115 Rail end mismatch	2,500	5,000	5,000	10,000
213.118 Continuous welded rail plan (a) through (e)	5,000	7,500	10,000	15,000

Section	Violation (Base)	Willful Violation1 (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
213.119 Continuous welded rail plan contents (a) through (k)	5,000	7,500	10,000	15,000
213.121 (a) Rail joints	2,500	5,000	5,000	10,000
213.121 (b) Rail joints	2,500	5,000	5,000	10,000
213.121 (c) Rail joints	5,000	7,500	10,000	15,000
213.121 (d) Rail joints	2,500	5,000	5,000	10,000
213.121 (e) Rail joints	2,500	5,000	5,000	10,000
213.121 (f) Rail joints	2,500	5,000	5,000	10,000
213.121 (g) Rail joints	2,500	5,000	5,000	10,000
213.121 (h) Rail joints	5,000	7,500	10,000	15,000
213.122 Torch cut rail	2,500	5,000	5,000	10,000
213.123 Tie plates	1,000	2,000	2,000	4,000
213.127 Rail Fastening Systems	2,500	5,000	5,000	10,000
213.133 Turnouts and track crossings, generally	1,000	1,000	2,000	2,000
213.135 Switches:				
(a) through (g)	2,500	5,000	5,000	10,000
(h) chipped or worn points	5,000	7,500	10,000	15,000
213.137 Frogs	2,500	5,000	5,000	10,000
213.139 Spring rail frogs	2,500	5,000	5,000	10,000
213.141 Self-guarded frogs	2,500	5,000	5,000	10,000
213.143 Frog guard rails and guard faces; gage	2,500	5,000	5,000	10,000
Subpart E—Track appliances and track-related devices:				
213.205 Derails	2,500	5,000	5,000	10,000
Subpart F—Inspection:				
213.233 Track inspections	2,000	4,000	4,000	8,000
213.234 Automated inspection of track constructed with concrete crossties	5,000	7,500	10,000	15,000
213.235 Switches, crossings, transition devices	2,000	4,000	4,000	8,000
213.237 Inspection of rail	2,500	5,000	5,000	10,000
213.238 Qualified operator	2,500	5,000	5,000	10,000
213.239 Special inspections	2,500	5,000	5,000	10,000
213.240 Continuous rail testing				
(b) Adopt necessary procedures	5,000	7,500	10,000	15,000
(c) Record type of test and change in test	2,500	5,000	5,000	10,000
(d) Qualifications	2,500	5,000	5,000	10,000
(e) Field verification	5,000	7,500	10,000	15,000
(f) Repeatable accuracy	5,000	7,500	10,000	15,000
(g) Annual report	2,500	5,000	5,000	10,000
213.241 Inspection records	1,000	1,000	2,000	2,000
Subpart G—Train operations at track classes 6 and higher:				
213.305 Designation of qualified individuals; general qualifications	1,000	2,000	2,000	4,000
213.307 Classes of track: operating speed limits	2,500	5,000	5,000	10,000

Section	Violation (Base)	Willful Violation1 (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
213.309 Restoration or renewal of track under traffic conditions	2,500	5,000	5,000	10,000
213.311 Measuring track not under load	1,000	2,000	2,000	4,000
213.319 Drainage	2,500	5,000	5,000	10,000
213.321 Vegetation	1,000	2,000	2,000	4,000
213.323 Track gage	5,000	7,500	10,000	15,000
213.327 Track alinement	5,000	7,500	10,000	15,000
213.329 Curves; elevation and speed limits	2,500	5,000	5,000	10,000
213.331 Track surface	5,000	7,500	10,000	15,000
213.332 Combined track alinement and surface deviations	5,000	7,500	10,000	15,000
213.333 Automated vehicle-based inspection systems	5,000	7,500	10,000	15,000
213.335 Crossties				
(a) Material used	1,000	2,000	2,000	4,000
(b) Distribution of ties	2,500	5,000	5,000	10,000
(c) Sufficient number of nondefective ties, non-concrete	1,000	2,000	2,000	4,000
(d) Sufficient number of nondefective concrete ties	1,000	2,000	2,000	4,000
(e) Joint ties	2,500	5,000	5,000	10,000
(f) Track constructed without crossties	2,500	5,000	5,000	10,000
(g) Non-defective ties surrounding defective ties	2,500	5,000	5,000	10,000
(h) Tie plates	2,500	5,000	5,000	10,000
(i) Tie plates	1,000	2,000	2,000	4,000
213.337 Defective rails	5,000	7,500	10,000	15,000
213.339 Inspection of rail in service	2,500	5,000	5,000	10,000
213.341 Inspection of new rail	2,500	5,000	5,000	10,000
213.343 Continuous welded rail (a) through (h)	5,000	7,500	10,000	15,000
213.345 Vehicle/track system qualification:				
(a) through (d)	5,000	7,500	10,000	15,000
(e) through (i)	2,500	5,000	5,000	10,000
213.347 Automotive or railroad crossings at grade	5,000	7,500	10,000	15,000
213.349 Rail end mismatch	2,500	5,000	5,000	10,000
213.351 (a) Rail joints	2,500	5,000	5,000	10,000
213.351 (b) Rail joints	2,500	5,000	5,000	10,000
213.351 (c) Rail joints	5,000	7,500	10,000	15,000
213.351 (d) Rail joints	2,500	5,000	5,000	10,000
213.351 (e) Rail joints	2,500	5,000	5,000	10,000
213.351 (f) Rail joints	5,000	7,500	10,000	15,000
213.351 (g) Rail joints	5,000	7,500	10,000	15,000
213. 352 Torch cut rails	2,500	5,000	5,000	10,000
213.353 Turnouts, crossovers, transition devices	1,000	2,000	2,000	4,000
213.355 Frog guard rails and guard faces; gage	2,500	5,000	5,000	10,000
213.357 Derails	2,500	5,000	5,000	10,000

Section	Violation (Base)	Willful Violation1 (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
213.359 Track stiffness	5,000	7,500	10,000	15,000
213.361 Right of way	5,000	7,500	10,000	15,000
213.365 Visual inspections	2,500	5,000	5,000	10,000
213.367 Special inspections	2,500	5,000	5,000	10,000
213.369 Inspections records	2,000	4,000	4,000	8,000

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 In addition to assessment of penalties for each instance of noncompliance with the requirements identified by this footnote, track segments designated as excepted track that are or become ineligible for such designation by virtue of noncompliance with any of the requirements to which this footnote applies are subject to all other requirements of part 213 until such noncompliance is remedied.

[63 FR 34029, June 22, 1998; 63 FR 45959, Aug. 28, 1998, as amended at 70 FR 66299, Nov. 2, 2005; 73 FR 79701, Dec. 30, 2008; 74 FR 43006, Aug. 25, 2009; 77 FR 24419, Apr. 24, 2012; 78 FR 16115, Mar. 13, 2013; 79 FR 4260, Jan. 24, 2014; 81 FR 43109, July 1, 2016; 83 FR 60746, Nov. 27, 2018; 85 FR 63389, Oct. 7, 2020]

Part 214—Railroad Workplace Safety-Schedule of Civil Penalties¹

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart B—Bridge Worker Safety Standards				
214.103 Fall protection:				
(i) Failure to provide fall protection	\$ 5,000	\$ 10,000	\$ 10,000	\$ 20,000
(ii) Failure to use fall protection		2,500		5,000
214.105 Standards and practices:				
(a) General:				
(1) Fall protection used for other purposes	2,500	5,000	5,000	10,000
(2) Failure to remove from service	2,500	5,000	5,000	10,000
(3) Failure to protect from deterioration	2,500	5,000	5,000	10,000
(4) Failure to inspect and remove	5,000	10,000	10,000	20,000
(5) Failure to train	5,000	10,000	10,000	20,000
(6) Failure to provide for prompt rescue	5,000	10,000	10,000	20,000
(7) Failure to prevent damage	2,500	5,000	5,000	10,000
(8) Failure to use proper connectors	2,500	5,000	5,000	10,000
(9) Failure to use proper anchorages	2,500	5,000	5,000	10,000
(b) Fall arrest system:				
(1)-(17) Failure to provide conforming equipment	2,500	5,000	5,000	10,000
(c) Safety net systems:				
(1) Failure to install close to workplace	2,500	5,000	5,000	10,000
(2) Failure to provide fall arrest if over 30 feet	5,000	10,000	10,000	20,000
(3) Failure to provide for unobstructed fall	5,000	10,000	10,000	20,000
(4) Failure to test	2,500	5,000	5,000	10,000
(5) Failure to use proper equipment	2,500	5,000	5,000	10,000
(6) Failure to prevent contact with surface below	5,000	10,000	10,000	20,000
(7) Failure to properly install	5,000	10,000	10,000	20,000
(8) Failure to remove defective nets	5,000	10,000	10,000	20,000
(9) Failure to inspect	5,000	10,000	10,000	20,000
(10) Failure to remove objects	1,000	2,500	2,000	5,000
(11)-(13) Failure to use conforming equipment	2,500	10,000	5,000	20,000
214.107 Working over water:				
(a)(i) Failure to provide life vest	5,000	10,000	10,000	20,000
(ii) Failure to use life vest		1,500		3,000
(c) Failure to inspect	2,500	5,000	5,000	10,000
(e)(i) Failure to provide ring bouys	5,000	10,000	10,000	20,000
(ii) Failure to use ring bouys		1,500		3,000

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(f)(i) Failure to provide skiff	1,000	2,500	2,000	5,000
(ii) Failure to use skiff		1,500		3,000
214.109 Scaffolding:				
(a)-(f) Failure to provide conforming equipment	2,500	5,000	5,000	10,000
214.113 Head protection:				
(a)(i) Failure to provide	2,500	5,000	5,000	10,000
(ii) Failure to use		1,500		3,000
(b) or (c) Failure to provide conforming equipment	2,500	5,000	5,000	10,000
214.115 Foot protection:				
(a)(i) Failure to require use of	2,500	5,000	5,000	10,000
(ii) Failure to use		1,500		3,000
214.117 Eye and face protection:				
(a)(i) Failure to provide	2,500	5,000	5,000	10,000
(ii) Failure to use		1,500		3,000
(b) Failure to use conforming equipment	2,500	5,000	5,000	10,000
(c) Use of defective equipment	2,500	5,000	5,000	10,000
(d) Failure to provide for corrective lenses	2,500	5,000	5,000	10,000
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	20,000	40,000
(b) Failure of a railroad to include and use internal monitoring procedure	5,000	10,000	10,000	20,000
214.305 Compliance Dates:				
Failure of a railroad to comply by the specified dates	5,000	10,000	10,000	20,000
214.307 On-track safety programs:				
(a)(i) Failure to adopt On-Track Safety Program	10,000	13,000	20,000	26,000
(ii) Failure to provide On-track Safety Program to FRA upon request	1,000	5,000	2,000	10,000
(b) Failure to notify FRA of adoption or change to On-Track Safety Program	1,000	5,000	2,000	10,000
(c) Failure to amend or provide written response after disapproval of On-track Safety Program	10,000	20,000	20,000	40,000
214.309 On-track safety manual:				
(a) On-track Safety Manual not provided to prescribed employees	2,000	5,000	4,000	10,000
(b) Failure to establish provision for lone worker to have alternative access to On-track Safety Manual	5,000	10,000	10,000	20,000
(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	4,000	10,000
214.311 Responsibility of employers:				
(b) Roadway worker required by employer to foul a track during an unresolved challenge	5,000	10,000	10,000	20,000
(c) Roadway workers not provided with written procedure to resolve challenges of on-track safety procedures	5,000	10,000	10,000	20,000
214.313 Responsibility of individual roadway workers:				

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(b) Roadway worker fouling a track when not necessary in the performance of duty		1,000		2,000
(c) Roadway worker fouling a track without ascertaining that provision is made for on-track safety		1,500		3,000
(d) Roadway worker failing to notify employer of determination of improper on-track safety provisions		3,000		6,000
214.315 Supervision and communication:				
(a)(1) Complete failure of employer to provide on-track safety job briefing	5,000	10,000	10,000	20,000
(2)-(5) Partial failure of employer to provide on-track safety job briefing	2,000	4,000	4,000	8,000
(b) Incomplete job briefing	2,000	5,000	4,000	10,000
(c)(i) Failure to designate roadway worker in charge of roadway work group	2,000	5,000	4,000	10,000
(ii) Designation of more than one roadway worker in charge of a roadway work group	1,000	2,000	2,000	4,000
(iii) Designation of non-qualified roadway worker in charge of roadway work group	3,000	6,000	6,000	12,000
(d)(i) Failure to notify roadway workers of on-track safety procedures in effect	3,000	6,000	6,000	12,000
(ii) Incorrect information provided to roadway workers regarding on-track safety procedures in effect	3,000	6,000	6,000	12,000
(iii) Failure to notify roadway workers of change in on-track safety procedures	3,000	6,000	6,000	12,000
(e)(i) Failure of lone worker to communicate with designated employee for daily job briefing		1,500		3,000
(ii) Failure of employer to provide means for lone worker to receive daily job briefing	3,000	6,000	6,000	12,000
214.317 On-track safety procedures, generally:				
(a) On-track safety rules conflict with this part	5,000	10,000	10,000	20,000
(b) Failure to adopt or comply with rules governing safe crossing of track	2,000	5,000	4,000	10,000
(3) Failure to establish on-track safety if required	2,000	5,000	4,000	10,000
(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	6,000	10,000
(2) Failure to grant absolute right to establish working limits if requested by RWIC or lone worker	3,000	5,000	6,000	10,000
(3) Except as permitted, roadway worker fouling track without on-track safety	3,000	5,000	6,000	10,000
(4) Roadway maintenance machine not properly equipped or utilized	3,000	5,000	6,000	10,000
(d)(1) Failure to inspect tunnel niche or clearing bay	3,000	5,000	6,000	10,000
(2) Lack of adequate sight distance	3,000	5,000	6,000	10,000
(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	10,000	20,000
214.318 Locomotive servicing and car shop repair track areas:				
(a)-(c)	3,000	5,000	6,000	10,000
214.319 Working limits, generally:				
(a)(1) Non-qualified RWIC of working limits	5,000	10,000	10,000	20,000
(a)(2) More than one RWIC of working limits on the same track segment	2,000	5,000	4,000	10,000
(a)(3)(i) Working limits released without notifying all affected roadway workers	5,000	10,000	10,000	20,000
(a)(3)(ii) Working limits released before all affected roadway workers are otherwise protected	5,000	10,000	10,000	20,000
(b)(1) Failure to adopt redundant protections in on-track safety program	5,000	10,000	10,000	20,000

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(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	10,000	20,000
214.320 Roadway maintenance machine movements over signalized non-controlled track	5,000	7,500	10,000	15,000
214.321 Exclusive track occupancy:				
(b) Improper transmission of authority for exclusive track occupancy	2,000	5,000	4,000	10,000
(b)(1) Failure to repeat authority for exclusive track occupancy to issuing employee		1,500		3,000
(2) Failure to retain possession of written authority for exclusive track occupancy		1,000		2,000
(3) Failure to record authority for exclusive track occupancy when issued		2,000		4,000
(4)(i) Failure to specify unique roadway work group number, employee name, or unique identifier	3,000	5,000	6,000	10,000
(ii) Failure to adopt procedure requiring precise communication between RWIC or lone worker and trains or other on-track equipment	3,000	5,000	6,000	10,000
(c) Limits of exclusive track occupancy not identified by proper physical features	2,000	4,000	4,000	8,000
(d)(1) Movement authorized into limits of exclusive track occupancy without authority of roadway worker in charge	5,000	10,000	10,000	20,000
(2) Movement authorized within limits of exclusive track occupancy without authority of roadway worker in charge	5,000	10,000	10,000	20,000
(3) Movement within limits of exclusive track occupancy exceeding restricted speed without authority of roadway worker in charge	5,000	10,000	10,000	20,000
(e)(1)-(4) Failure to comply with occupancy behind requirements	5,000	10,000	10,000	20,000
214.322 Exclusive track occupancy, electronic display:				
(a) Contents of authority electronically displayed not readily viewable	3,000	5,000	6,000	10,000
(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	6,000	10,000
(c)-(h)	2,000	4,000	4,000	8,000
214.323 Foul time:				
(a) Foul time authority overlapping movement authority of train or equipment	5,000	10,000	10,000	20,000
(b) Failure to repeat foul time authority to issuing employee		1,500		3,000
(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	10,000	20,000
(d) RWIC permitting movement of trains or on-track equipment into or within working limits	5,000	10,000	10,000	20,000
214.325 Train coordination:				
(a) Train coordination limits established where more than one train is authorized to operate	1,500	4,000	3,000	8,000
(b)(1) Train coordination established with train not visible to roadway worker at the time		1,500		3,000
(2) Train coordination established with moving train		1,500		3,000
(3) Coordinated train moving without authority of roadway worker in charge	2,000	5,000	4,000	10,000
(4) Coordinated train releasing movement authority while working limits are in effect	3,000	6,000	6,000	12,000
214.327 Inaccessible track:				

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(a) Improper control of entry to inaccessible track	3,000	6,000	6,000	12,000
(5) Remotely controlled switch not properly secured by control operator	3,000	6,000	6,000	12,000
(b) Train or equipment moving within inaccessible track limits without permission of roadway worker in charge	3,000	6,000	6,000	12,000
(c) Unauthorized train or equipment located within inaccessible track limits	2,000	5,000	4,000	10,000
214.329 Train approach warning provided by watchmen/lookouts:				
(a)(i) Failure to give timely warning of approaching train	5,000	10,000	10,000	20,000
(ii) Failure to use maximum authorized speed in formulating sight distance	3,000	5,000	6,000	10,000
(iii) Use of another track as a place of safety without establishing working limits on that track	3,000	5,000	6,000	10,000
(b)(1) Failure of watchman/lookout to give full attention to detecting approach of train		3,000		6,000
(2) Assignment of other duties to watchman/lookout	3,000	5,000	6,000	10,000
(c) Failure to provide proper warning signal devices	2,000	5,000	4,000	10,000
(d) Failure to maintain position to receive train approach warning signal		2,000		4,000
(e) Failure to communicate proper warning signal	1,500	3,000	3,000	6,000
(f)(1) Assignment of non-qualified person as watchman/lookout	3,000	5,000	6,000	10,000
(2) Non-qualified person accepting assignment as watchman/lookout		1,500		3,000
(g) Failure to properly equip a watchman/lookout	2,000	4,000	4,000	8,000
214.331 Definite train location:				
(a) Definite train location established where prohibited	3,000	5,000	6,000	10,000
(b) Failure to phase out definite train location by required date	3,000	5,000	6,000	10,000
(d)(1) Train location information issued by unauthorized person	2,000	5,000	4,000	10,000
(2) Failure to include all trains operated on train location list	3,000	5,000	6,000	10,000
(5) Failure to clear a by ten minutes at the last station at which time is shown		2,000		4,000
(6) Train passing station before time shown in train location list	3,000	5,000	6,000	10,000
(7) Non-qualified person using definite train location to establish on-track safety	2,000	3,000	4,000	6,000
(e) Failure to discontinue use of definite train location by required date	9,500	13,000	19,000	26,000
214.333 Informational line-ups of trains:				
(a) Informational line-ups of trains used for on-track safety where prohibited	3,000	5,000	6,000	10,000
(b) Informational line-up procedures inadequate to protect roadway workers	5,000	10,000	10,000	20,000
(c) Failure to discontinue informational line-ups by required date	5,000	10,000	10,000	20,000
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	6,000	10,000
(b) Member of roadway work group fouling a track without authority of employee in charge		2,000		4,000
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	10,000	20,000

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(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	3,000	6,000
(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	10,000	20,000
(2) Resumption of work before trailing-end of all applicable movements has passed the roadway worker	5,000	10,000	10,000	20,000
(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	4,000	8,000
(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	4,000	8,000
(e)	1	1	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	10,000	20,000
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	10,000	20,000
(c)(1) Individual train detection used by non-qualified employee	2,000	4,000	4,000	8,000
(2) Use of individual train detection while engaged in heavy or distracting work		2,000		4,000
(3) Use of individual train detection in controlled point or manual interlocking		2,000		4,000
(4) Use of individual train detection with insufficient visibility		2,000		4,000
(5) Use of individual train detection with interfering noise		2,000		4,000
(6) Use of individual train detection while a train is passing		3,000		6,000
(d) Failure to maintain access to place of safety clear of live tracks		2,000		4,000
(e) Lone worker unable to maintain vigilant lookout		2,000		4,000
(f)(1) Failure to prepare written statement of on-track safety		1,500		3,000
(2) Incomplete written statement of on-track safety		1,000		2,000
(3) Failure to produce written statement of on-track safety to FRA		1,500		3,000
(g) Use of individual train detection while using machine, equipment, or material that cannot be readily removed by hand	2,000	4,000	4,000	8,000
214.339 Audible warning from trains:				
(a)-(b) Failure to adopt or comply with audible warning procedures	2,000	4,000	4,000	8,000
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	6,000	10,000
(b) Failure to provide operating instructions	2,000	4,000	4,000	8,000
(1) Assignment of non-qualified employee to operate machine	2,000	5,000	4,000	10,000
(2) Operator unfamiliar with safety instructions for machine	2,000	5,000	4,000	10,000
(3) Roadway worker working with unfamiliar machine	2,000	5,000	4,000	10,000
(c) Roadway maintenance machine not clear of passing trains	3,000	6,000	6,000	12,000

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
214.343 Training and qualification, general:				
(a)(1) Failure of railroad program to include training provisions	5,000	10,000	10,000	20,000
(2) Failure to provide initial training	3,000	6,000	6,000	12,000
(b) Failure to provide annual training	2,500	5,000	5,000	10,000
(c) Assignment of non-qualified railroad employees to provide on-track safety	4,000	8,000	8,000	16,000
(d)(1) Failure to maintain records of qualifications	2,000	4,000	4,000	8,000
(2) Incomplete records of qualifications	1,000	3,000	2,000	6,000
(3) Failure to provide records of qualifications to FRA	2,000	4,000	4,000	8,000
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	4,000	8,000
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		8,000
(b) Roadway worker required to operate machine or vehicle when good-faith challenge not resolved	5,000	10,000	10,000	20,000
(c) Failure of employer to have or follow written procedures to resolve good-faith challenges	5,000	10,000	10,000	20,000
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	10,000	20,000
(b) Failure of new or existing machines to protect employees from exposure to air contaminants	5,000	10,000	10,000	20,000
(c) Failure of employer to maintain required list of machines or make list available	2,000	4,000	4,000	8,000
(d) Removal of “designated machine” from list before retired or sold	2,000	4,000	4,000	8,000
(e) Personal respiratory protective equipment not provided when ventilation system fails	5,000	10,000	10,000	20,000
(f) Personal respiratory protective equipment fails to meet required standards	5,000	10,000	10,000	20,000
(g) Other new machines with enclosed cabs not equipped with operable heating and ventilation systems	5,000	10,000	10,000	20,000
(h) Non-enclosed station not equipped with covering, where feasible	5,000	10,000	10,000	20,000
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	10,000	20,000
(a)(6)-(7) Failure to equip new machine with first-aid kit or operative and charged fire extinguisher	2,500	5,000	5,000	10,000
(b) Position for operator to stand not properly equipped to provide safe and secure position	5,000	10,000	10,000	20,000
(c) New machine not equipped with accurate speed indicator, as required.	2,500	5,000	5,000	10,000
(d) As-built light weight not conspicuously displayed on new machine	2,500	5,000	5,000	10,000

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
214.509 Required visual illumination and reflective devices for new on-track roadway maintenance machines	2,500	5,000	5,000	10,000
214.511 Required audible warning devices for new on-track roadway maintenance machines	5,000	10,000	10,000	20,000
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	10,000	20,000
(b) Horn or other audible warning device is missing, inoperable, or has non-compliant triggering mechanism	2,500	5,000	5,000	10,000
(c) Illumination device or portable light missing, inoperable, improperly secured, or incapable of illuminating track as required	2,500	5,000	5,000	10,000
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	10,000	20,000
(b) Failure to provide written response to operator's request within 60 days	2,000	4,000	4,000	8,000
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	10,000	20,000
(b) Failure to equip machine with operative heater	5,000	10,000	10,000	20,000
(c) Failure to display light weight of machine as required	2,500	5,000	5,000	10,000
(d) Failure to equip machine with reflective material, reflective device, or operable brake lights	5,000	10,000	10,000	20,000
(e) Failure to install or replace safety glass as required	5,000	10,000	10,000	20,000
(f) Failure to equip machine with turntable restraint device or warning light as required	5,000	10,000	10,000	20,000
214.518 Safe and secure position for riders	5,000	10,000	10,000	20,000
214.519 Floors, decks, stairs, and ladders for on-track roadway maintenance machines	5,000	10,000	10,000	20,000
214.521 Flagging equipment for on-track roadway maintenance machines and hi-rail vehicles	2,500	5,000	5,000	10,000
214.523 Hi-rail vehicles:				
(a) Failure to inspect hi-rail gear annually	5,000	10,000	10,000	20,000
(b) Failure to maintain inspection record or make record available to FRA	2,000	4,000	4,000	8,000
(c) Failure to equip new hi-rail vehicle with alarm and light or beacon as required	2,500	5,000	5,000	10,000
(d)(2) Failure of operator to tag, date or report non-complying condition	2,000	4,000	4,000	8,000
(d)(3) Failure to repair or replace non-complying alarms, lights or beacons as required	2,500	5,000	5,000	10,000
214.525 Towing with on-track roadway maintenance machines or hi-rail vehicles	5,000	10,000	10,000	20,000
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	4,000	8,000
(b) Failure of operator to tag, date, or report noncomplying condition	2,000	4,000	4,000	8,000
(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	5,000	10,000
(c)(5) Failure to repair or replace defective or missing operator's seat within required time period	5,000	10,000	10,000	20,000
214.529 In-service failure of primary braking system	5,000	10,000	10,000	20,000

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
214.531 Schedule of repairs; general	2,500	5,000	5,000	10,000
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	5,000	10,000
(d) Failure to maintain record or make record available to FRA	2,000	4,000	4,000	8,000

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. 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.

² The 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—Railroad Freight Car Safety Standards-Schedule of Civil Penalties¹

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart A—General:				
215.9 Movement for repair:				
(a), (c)	1	1	1	1
(b)	\$2,500	\$5,000	\$5,000	\$10,000
215.11 Designation of qualified persons	2,500	5,000	5,000	10,000
215.13 Pre-departure inspection	2,000	4,000	4,000	8,000
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	5,000	10,000
(2) 13/16" or less	5,000	7,500	10,000	15,000
(b) Flange height of:				
(1) 1 1/2" or greater but less than 1 5/8"	2,500	5,000	5,000	10,000
(2) 1 5/8" or more	5,000	7,500	10,000	15,000
(c) Rim thickness of:				
(1) 1 1/16" or less but more than 5/8"	2,500	5,000	5,000	10,000
(2) 5/8" or less	5,000	7,500	10,000	15,000
(d) Wheel rim, flange plate hub width:				
(1) Crack of less than 1"	2,500	5,000	5,000	10,000
(2) Crack of 1" or more	5,000	7,500	10,000	15,000
(3) Break	5,000	7,500	10,000	15,000
(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	5,000	10,000
(2) 1 5/8" or more in length; or 5/8" or more in width	5,000	7,500	10,000	15,000
(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	5,000	10,000
(ii) One spot 3" or more in length	5,000	7,500	10,000	15,000
(2)(i) Two adjoining spots each of which is more than 2" but less than 2 1/2" in length	2,500	5,000	5,000	10,000
(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	10,000	15,000
(g) Loose on axle	6,000	8,500	12,000	17,000
(h) Overheated; discoloration extending:				
(1) more than 4" but less than 4 1/2"	2,500	5,000	5,000	10,000
(2) 4 1/2" or more	5,000	7,500	10,000	15,000
(i) Welded	5,000	7,500	10,000	15,000
215.105 Defective axle:				
(a)(1) Crack of 1" or less.	2,500	5,000	5,000	10,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(2) Crack of more than 1"	5,000	7,500	10,000	15,000
(3) Break	6,000	8,500	12,000	17,000
(b) Gouge in surface that is between the wheel seats and is more than 1/8" in depth	2,500	5,000	5,000	10,000
(c) End collar with crack or break	2,500	5,000	5,000	10,000
(d) Journal overheated	5,000	7,500	10,000	15,000
(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	5,000	10,000
215.107 Defective plain bearing box: general:				
(a)(1) No visible free oil	1,500	3,000	3,000	6,000
(2) Lubricating pad dry (no expression of oil observed when pad is compressed)	5,000	7,500	10,000	15,000
(b) Box lid is missing, broken, or open except to receive servicing	1,000	2,000	2,000	4,000
(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	5,000	10,000
215.109 Defective plain bearing box: journal lubrication system:				
(a) Lubricating pad has a tear	1,000	2,000	2,000	4,000
(b) Lubricating pad scorched, burned, or glazed	2,500	5,000	5,000	10,000
(c) Lubricating pad contains decaying or deteriorating fabric	2,500	5,000	5,000	10,000
(d) Lubricating pad has an exposed center core or metal parts contacting the journal	2,500	5,000	5,000	10,000
(e) Lubricating pad is missing or not in contact with the journal	5,000	7,500	10,000	15,000
215.111 Defective plain bearing:				
(a) Missing	5,000	7,500	10,000	15,000
(b) Bearing liner is loose or has piece broken out	2,500	5,000	5,000	10,000
(c) Overheated	5,000	7,500	10,000	15,000
215.113 Defective plain bearing wedge:				
(a) Missing	5,000	7,500	10,000	15,000
(b) Cracked	2,500	5,000	5,000	10,000
(c) Broken	5,000	7,500	10,000	15,000
(d) Not located in its design position	5,000	7,500	10,000	15,000
215.115 Defective roller bearing:				
(a)(1) Overheated	5,000	7,500	10,000	15,000
(2) (i) Cap screw(s) loose	2,500	5,000	5,000	10,000
(ii) Cap screw lock broken, missing or improperly applied	1,000	2,000	2,000	4,000
(3) Seal is loose or damaged, or permits leakage of lubricant	2,500	5,000	5,000	10,000
(b)(1) Not inspected and tested after derailment	2,500	5,000	5,000	10,000
(2) Not disassembled after derailment	2,500	5,000	5,000	10,000
(3) Not repaired or replaced after derailment	5,000	7,500	10,000	15,000
215.117 Defective roller bearing adapter:				
(a) Cracked or broken	2,500	5,000	5,000	10,000
(b) Not in its design position	5,000	7,500	10,000	15,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(c) Worn on the crown	2,500	5,000	5,000	10,000
215.119 Defective freight car truck:				
(a)(1) A side frame or bolster that is broken	5,000	7,500	10,000	15,000
(2)(i) Side frame or bolster with crack of: 1/4" or more, but less than 1"	2,500	5,000	5,000	10,000
(ii) 1" or more	5,000	7,500	10,000	15,000
(b) A snubbing device that is ineffective or missing	2,500	5,000	5,000	10,000
(c) Side bearing(s):				
(1) Assembly missing or broken	5,000	7,500	10,000	15,000
(2) In contact except by design	5,000	7,500	10,000	15,000
(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	5,000	10,000
(ii) more than 1"	5,000	7,500	10,000	15,000
(d) Truck spring(s):				
(1) Do not maintain travel or load	2,500	5,000	5,000	10,000
(2) Compressed solid	2,500	5,000	5,000	10,000
(3) Outer truck springs broken or missing:				
(i) Two outer springs	2,500	5,000	5,000	10,000
(ii) Three or more outer springs	5,000	7,500	10,000	15,000
(e) Truck bolster-center plate interference	5,000	7,500	10,000	15,000
(f) Brake beam shelf support worn	2,500	5,000	5,000	10,000
215.121 Defective car body:				
(a) Has less than 2 1/2" clearance from the top of rail	2,500	5,000	5,000	10,000
(b) Car center sill is:				
(1) Broken	6,000	8,500	12,000	17,000
(2) Cracked more than 6"	2,500	5,000	5,000	10,000
(3) Bent or buckled more than 2 1/2" in any 6' length	2,500	5,000	5,000	10,000
(c) Coupler carrier that is broken or missing	2,500	5,000	5,000	10,000
(d) Car door not equipped with operative safety hangers	5,000	7,500	10,000	15,000
(e)(1) Center plate not properly secured	5,000	7,500	10,000	15,000
(2) Portion missing	2,500	5,000	5,000	10,000
(3) Broken	5,000	7,500	10,000	15,000
(4) Two or more cracks	2,500	5,000	5,000	10,000
(f) Broken sidesill, crossbearer, or body bolster	2,500	5,000	5,000	10,000
215.123 Defective couplers:				
(a) Shank bent out of alignment	1,000	2,000	2,000	4,000
(b) Crack in highly stressed junction area.	2,500	5,000	5,000	10,000
(c) Coupler knuckle broken or cracked	2,500	5,000	5,000	10,000
(d) Coupler knuckle pin or thrower that is missing or inoperative.	2,500	5,000	5,000	10,000
(e) Coupler retainer pin lock that is missing or broken	1,000	2,000	2,000	4,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(f) Coupler with following conditions: locklift inoperative; no anticreep protection; or coupler lock is missing, inoperative, bent, cracked, or broken	2,500	5,000	5,000	10,000
215.125 Defective uncoupling device	2,500	5,000	5,000	10,000
215.127 Defective draft arrangement:				
(a) Draft gear that is inoperative	2,500	5,000	5,000	10,000
(b) Yoke that is broken	2,500	5,000	5,000	10,000
(c) End of car cushioning unit is leaking or inoperative	2,500	5,000	5,000	10,000
(d) Vertical coupler pin retainer plate missing or has missing fastener	5,000	7,500	10,000	15,000
(e) Draft key or draft key retainer that is inoperative or missing	5,000	7,500	10,000	15,000
(f) Follower plate that is missing or broken	2,500	5,000	5,000	10,000
215.129 Defective cushioning device	2,500	5,000	5,000	10,000
Subpart C—Restricted equipment:				
215.203 Restricted cars	2,500	5,000	5,000	10,000
Subpart D—Stencilling:				
215.301 General	1,000	2,000	2,000	4,000
215.303 Stencilling of restricted cars	1,000	2,000	2,000	4,000
215.305 Stencilling of maintenance-of-way	1,000	2,000	2,000	4,000

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 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 \$34,401 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; 84 FR 37059, July 31, 2019; 86 FR 1745, Jan. 11, 2021; 86 FR 23241, May 3, 2021; 87 FR 15839, Mar. 21, 2022; 88 FR 1114, Jan. 6, 2023]

Part 217—Railroad Operating Rules-Schedule of Civil Penalties¹

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)	Base Range (Low)	Base Range (High)	Base Range Low (Willful)	Base Range High (Willful)	Updated Range (Low)	Updated Range (High)	Updated Range Low (Willful)	Updated Range High (Willful)
217.7 Operating rules:												
(a)	\$ 2,500	\$ 5,000	\$ 5,000	\$ 10,000								
(b)	2,000	5,000	4,000	10,000								
(c)	2,500	5,000	5,000	10,000								
217.9 Operational tests and inspections:												
(a) Failure to implement a program	9,500-12,500	13,000-16,000	19,000 - 25,000	26,000 - 32,000	9,500	12,500	13,000	16,000	19,000	25,000	26,000	32,000
(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	19,000	26,000								
(2) Records	7,500	11,000	15,000	22,000								
(c) Record of program; program incomplete	7,500-12,500	11,000-16,000	15,000 - 25,000	22,000 - 32,000	7,500	12,500	11,000	16,000	15,000	25,000	22,000	32,000
(d) Records of individual tests and inspections	7,500		15,000									
(e) Failure to retain copy of or conduct:												
(1)(i) Quarterly review	9,500	13,000	19,000	26,000								
(1)(ii) and (2) Six month review	9,500	13,000	19,000	26,000								
(3) Records	7,500	11,000	15,000	22,000								
(f) Annual summary	7,500	11,000	15,000	22,000								
(h) Failure to timely or appropriately amend program after disapproval	9,500-12,500	13,000-16,000	19,000 - 25,000	26,000 - 32,000	9,500	12,500	13,000	16,000	19,000	25,000	26,000	32,000
217.11 Program of instruction on operating rules:												
(a)	5,000	7,500	10,000	15,000								
(b)	2,500	5,000	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.

[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]

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)	Base Range (Low)	Base Range (High)	Base Range Low (Willful)	Base Range High (Willful)	Updated Range (Low)	Updated Range (High)	Updated Range Low (Willful)	Updated Range High (Willful)
(e) Failure to abide by operational exception requirements	9,500	13,000	19,000	26,000								
218.101 Leaving Equipment in the Clear:												
(a) Failure to implement required operating rule	9,500		19,000									
(b) Equipment left improperly fouling	9,500	13,000	19,000	26,000								
(c) Failure to implement procedures for identifying clearance points	9,500	13,000	19,000	26,000								
218.103 Hand-operated switches, including crossover switches:												
(a) Failure to implement required operating rule	9,500		19,000									
(b) through (d) Railroad and employee failures	7,500		15,000									
218.105 Additional operational requirements for hand-operated main track switches:												
(a) Failure to implement required operating rule	9,500		19,000									
(b) and (c) Railroad and employee failures	7,500	11,000	15,000	22,000								
(d) Failure to properly release authority limits	12,500		25,000									
218.107 Additional operational requirements for hand-operated crossover switches:												
(a) Failure to implement required operating rule	9,500		19,000									
(b) and (c) Railroad and employee failures	7,500	11,000	15,000	22,000								
218.109 Hand-operated fixed details:												
(a) Failure to implement required operating rule	9,500	13,000	19,000	26,000								
(b) and (c) Railroad and employee failures	7,500	11,000	15,000	22,000								

¹ Except 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—Control of Alcohol and Drug Use-Schedule of Penalties
Penalty Schedule¹

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart A—General				
219.3 Application:				
(a) Railroad or contractor does not have required program	\$ 5,000	\$ 7,500	\$ 10,000	\$ 15,000
(c) Railroad or contractor improperly tests under subpart E or G of this part	2,500	5,000	5,000	10,000
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	10,000	15,000
219.11 General conditions for chemical tests:				
(b)(1) Employee unlawfully refuses to participate in testing	2,500	5,000	5,000	10,000
(b)(2) Employer fails to give priority to medical treatment	3,000	8,000	6,000	16,000
(b)(3) Employee fails to remain available	2,500	5,000	5,000	10,000
(d) Employee unlawfully required to execute a waiver of rights	2,500	5,000	5,000	10,000
(e)(1) Failure to direct employee to proceed to collection site as soon as possible without affecting safety	2,500	5,000	5,000	10,000
(e)(3) Railroad used or authorized the use of coercion to obtain specimens	5,000	7,500	10,000	15,000
(g) Failure to meet supervisory training requirements or program of instruction not available or program not complete	2,500	5,000	5,000	10,000
(h) Urine or blood specimens provided for Federal testing were used for non-authorized testing	2,500	5,000	5,000	10,000
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	5,000	10,000
219.23 Railroad policies:				
(a) Failure to provide written notice of FRA test	1,000	4,000	2,000	8,000
(a)(1) Failure to provide written notice of basis for FRA test	1,000	4,000	2,000	8,000
(a)(2) Use of a non-approved FRA form for mandatory post-accident toxicological testing	1,000	4,000	2,000	8,000
(b) Improper use of Federal drug or alcohol testing form or use of Subpart C form for other test	1,000	4,000	2,000	8,000
(c) Failure to make required educational materials available	2,500	5,000	5,000	10,000
(d) Failure to provide required minimum educational content	2,500	5,000	5,000	10,000
(e) Non-Federal provisions are not clearly described as independent authority	2,500	5,000	5,000	10,000
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	5,000	10,000
(a)(2) Failure to perform and complete FRA and DOT-required background checks in a timely manner	2,500	5,000	5,000	10,000
(a)(3) Failure to document due diligence in completing FRA and DOT-required background checks	2,500	5,000	5,000	10,000
(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	5,000	10,000
Subpart B—Prohibitions				
219.101 Alcohol and drug use prohibited:				

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(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		20,000
219.103 Prescribed and over-the-counter drugs:				
(a) Failure to train employee properly on requirements	2,500	5,000	5,000	10,000
219.104 Responsive action:				
(a) Failure to remove employee from regulated service immediately	5,000	7,500	10,000	15,000
(b) Failure to provide written notice for removal	2,500	5,000	5,000	10,000
(c) Failure to provide prompt hearing within 10 calendar days	2,500	5,000	5,000	10,000
(d) Employee improperly returned to regulated service	5,000	7,500	10,000	15,000
(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	5,000	10,000
219.105 Railroad's duty to prevent violations:				
(a) Employee improperly permitted to remain in regulated service	7,500	10,000	15,000	20,000
(b) Failure to exercise due diligence to assure compliance with prohibition	5,000	7,500	10,000	15,000
(d) Failure to conduct and record minimum number of Rule G observations	2,500	5,000	5,000	10,000
219.107 Consequences of unlawful refusal:				
(a) Failure to disqualify an employee for nine months following a refusal	5,000	7,500	10,000	15,000
(b) Fail to provide written notice of withdrawal to employee	2,500	5,000	5,000	10,000
(c) Employee unlawfully returned to service	5,000	7,500	10,000	15,000
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	10,000	15,000
(c)(1)(i) Failure to make good faith determination	5,000	7,500	10,000	15,000
(c)(1)(ii) Failure to provide requested decision report to FRA	2,500	5,000	5,000	10,000
(c)(2) Testing performed after non-qualifying event	5,000	10,000	10,000	20,000
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	10,000	15,000
(a)(1)(ii) and (a)(2)(ii) Non-regulated service employee tested	5,000	7,500	10,000	15,000
(b)(1) Delay in obtaining specimens due to failure to make every reasonable effort	2,500	5,000	5,000	10,000
(c) Independent medical facility not utilized	2,500	5,000	5,000	10,000
(d) Failure to report event or contact FRA when intervention required	1,000	3,000	2,000	6,000
(d)(1) Failure to collect specimens in a timely manner	2,500	5,000	5,000	10,000
(e)(2) Failure to recall employee for testing when conditions met	2,500	5,000	5,000	10,000
(e)(5) Failure to document why employee could not be recalled	2,500	5,000	5,000	10,000
(f)(1) Specimen collection not completed at an independent medical facility	2,500	5,000	5,000	10,000
219.205 Specimen collection and handling:				
(a) Failure to observe requirements with respect to specimen collection, marking and handling	2,500	5,000	5,000	10,000
(b) Failure to provide properly prepared forms with specimens	2,500	5,000	5,000	10,000
(d) Failure to promptly or properly forward specimens	2,500	5,000	5,000	10,000
219.207 Fatality:				
(a) Failure to collect specimens	5,000	7,500	10,000	15,000

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(a)(1) Failure to ensure timely collection and shipment of required specimens	2,500	5,000	5,000	10,000
(b) Failure to request assistance when necessary	2,500	5,000	5,000	10,000
219.209 Reports of tests and refusals:				
(a)(1) Failure to provide telephonic report	1,000	2,000	2,000	4,000
(b) Failure to provide written report of refusal to test	1,000	2,000	2,000	4,000
(c) Failure to maintain report explaining why test not conducted within 4 hours	1,000	2,000	2,000	4,000
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	5,000	10,000
(g)(3) Unauthorized withholding of regulated employee out of regulated service pending receipt of PAT testing results	2,500	5,000	5,000	10,000
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	10,000	15,000
(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	10,000	15,000
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	5,000	10,000
(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	5,000	10,000
(c) Improperly holding employee out of service	2,500	5,000	5,000	10,000
(d) Failure to provide adequate written documentation for the reasons for a reasonable suspicion test	2,500	5,000	5,000	10,000
219.305 Prompt specimen collections; time limitations:				
(a) Fail to promptly conduct test	2,500	5,000	5,000	10,000
(b) Failure to document why test not administered within time limits	2,500	5,000	5,000	10,000
(c) Improper recall of employee	2,500	5,000	5,000	10,000
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	5,000	10,000
(b) Testing conducted after regulated employee is released from duty	2,500	5,000	5,000	10,000
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	5,000	10,000
(b) Testing when event did not meet the criteria for rule violation	2,500	5,000	5,000	10,000
219.405 Documentation requirements:				
(a) Failure to provide adequate written documentation for the reasons for a reasonable cause test	1,000	2,500	2,000	5,000
(b) Failure to document specific type of rule violation and the involvement of each tested regulated employee	1,000	2,500	2,000	5,000
219.407 Prompt Specimen Collection; Time Limitations:				
(a) Failure to perform a test in a timely	2,500	5,000	5,000	10,000
(b) Failure to document why test not administered within time limits	1,000	2,500	2,000	5,000
(c) Improper recall of employee	2,500	5,000	5,000	10,000

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
219.409 Limitations on authority:				
(b) Improper withholding of regulated employee from regulated service pending test results	2,500	5,000	5,000	10,000
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	5,000	10,000
(b) Failure to conduct a Federal pre-employment test before an employee of a contractor performs regulated service	2,500	5,000	5,000	10,000
(c) Pre-employment testing of grandfathered regulated employee	1,000	2,500	2,000	5,000
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	5,000	10,000
(a)(2) Failure to treat all regulated employees the same for purposes of Federal pre-employment alcohol testing	2,500	5,000	5,000	10,000
219.503 Notification; records:				
Failure to notify the applicant in writing of non-negative test results or refusal	1,000	2,500	2,000	5,000
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	5,000	10,000
(c) Contractor or volunteer not included in random testing while subject to performing regulated service	2,500	5,000	5,000	10,000
(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	5,000	10,000
219.605 Submission and approval of random testing plans:				
(a)(1) Failure to obtain FRA approval of random testing program	2,500	5,000	5,000	10,000
(c) Failure to implement random testing plan within 30 days of notification of FRA approval	2,500	5,000	5,000	10,000
(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	5,000	10,000
(d)(2) Failure to submit non-substantive plan amendment before implementation	2,500	5,000	5,000	10,000
219.607 Requirements for random testing plans:				
(a) Railroad implementation failed to comply with approved plan	2,500	5,000	5,000	10,000
(c) Failure to contain required plan elements	2,500	5,000	5,000	10,000
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	5,000	10,000
(c) Failure to ensure regulated service contractor and volunteers are tested in accordance with this subpart	2,500	5,000	5,000	10,000
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	5,000	10,000
(b)(2) Improper criteria for pool entries which allows for employer discretion over who is to be tested	2,500	5,000	5,000	10,000
(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	5,000	10,000
(c) Maintaining a random testing pool with less than four pool entries	2,500	5,000	5,000	10,000

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(d)(1) Failure to ensure that pools do not contain non-regulated employees	2,500	5,000	5,000	10,000
(d)(2) Regulated employee included in more than one DOT random pool	2,500	5,000	5,000	10,000
(d)(3) Failure to maintain pools and/or pool entries that meet FRA/DOT regulations	2,500	5,000	5,000	10,000
(d)(5) Failure to add or remove regulated employees to or from the proper random pool in a timely manner	2,500	5,000	5,000	10,000
(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	5,000	10,000
(f) Failure to have an effective mechanism to update and maintain pools	2,500	5,000	5,000	10,000
219.613 Random testing selections:				
(b)(1) Failure to use an FRA-acceptable selection procedure	2,500	5,000	5,000	10,000
(b)(2) Failure to ensure every regulated employee has an equal chance at being selected at each draw	2,500	5,000	5,000	10,000
(b)(3) Failure to have necessary documentation verifying the selection process for testing window	2,500	5,000	5,000	10,000
(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	5,000	10,000
(d) Railroad failed to select at least one entry from each of its random testing pools every three months	2,500	5,000	5,000	10,000
(e) Railroad discarded selection draws without an acceptable explanation	2,500	5,000	5,000	10,000
(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	5,000	10,000
219.615 Random testing collections:				
(a) Failure to comply with minimum annual random collection testing rates	2,500	5,000	5,000	10,000
(b) Failure to test selections within the approved testing window	2,500	5,000	5,000	10,000
(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	5,000	10,000
(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	5,000	10,000
(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	5,000	10,000
(e)(1) Advance notification given to employees selected for testing	2,500	5,000	5,000	10,000
(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	5,000	10,000
(f) Failure to test a selection without an FRA-acceptable reason	2,500	5,000	5,000	10,000
(g)(1) Fail to immediately terminate random collection due to hours of service expiration	2,500	5,000	5,000	10,000
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	5,000	10,000
(a)(2) Failure to restrict regulated employee from performing regulated service prior to completion of random testing	2,500	5,000	5,000	10,000
(a)(3) Improperly excused without substantiated medical emergency	2,500	5,000	5,000	10,000
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	5,000	10,000
219.623 Records				
(a) Failure of railroads to meet recordkeeping requirements	2,500	5,000	5,000	10,000
(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	5,000	10,000

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
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	5,000	10,000
(e) Failure to meet the required FRA random testing rate for alcohol	2,500	5,000	5,000	10,000
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	10,000	15,000
Subpart I—Annual Report				
219.800 Annual Reports:				
(a) Failure to submit MIS report on time	2,500	5,000	5,000	10,000
(c) Failure to submit accurate MIS report	2,500	5,000	5,000	10,000
(d) Failure to include required data	2,500	5,000	5,000	10,000
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	5,000	10,000
(b) Failure to maintain records required to be kept for five years	2,500	5,000	5,000	10,000
(c) Failure to maintain records required to be kept for two years	2,500	5,000	5,000	10,000
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	5,000	10,000
(b) Failure to permit access to facilities	2,500	5,000	5,000	10,000
(c) Failure to provide access to results of railroad alcohol and drug testing programs	2,500	5,000	5,000	10,000
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	5,000	10,000
(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	5,000	10,000
(d) Violation of referral program prohibitions	2,500	5,000	5,000	10,000
219.1003 Referral program conditions:				
(a) Failure to comply with referral program conditions	2,500	5,000	5,000	10,000
(b) Failure to maintain employment	2,500	5,000	5,000	10,000
(c) Failure to disqualify regulated employee when referral conditions not met	2,500	5,000	5,000	10,000
(d) Use of unqualified DAC	2,500	5,000	5,000	10,000
(e) Allowing person evaluated as having active substance abuse disorder to perform regulated service	2,500	5,000	5,000	10,000
(f) Breach of confidentiality	2,500	5,000	5,000	10,000
(g) Failure to allow recommended leave of absence	2,500	5,000	5,000	10,000
(h)(1)-(3) Failure to meet return to service conditions	2,500	5,000	5,000	10,000
(h)(4) Failure to return to service when conditions met	2,500	5,000	5,000	10,000
(i) Improper modification to rehabilitation plan	2,500	5,000	5,000	10,000
(l) Failure to complete DAC evaluation within time limit	2,500	5,000	5,000	10,000
(m) Exceeding 24 month time limit on aftercare when not associated with a substantiated part 219 violation	2,500	5,000	5,000	10,000
219.1007 Alternate programs:				

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(c) Failure to obtain FRA approval of alternate program	2,500	5,000	5,000	10,000

¹ A 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.

² The 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; 88 FR 1114, Jan. 6, 2023]

Part 220—Railroad Communications-Schedule of Civil Penalties¹

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
220.9 Requirements for trains	\$ 5,000	\$ 7,500	\$ 10,000	\$ 15,000
220.11 Requirements for roadway workers	5,000	7,500	10,000	15,000
220.21 Railroad Operating rules; radio communications				
(a)	5,000	7,500	10,000	15,000
(b)	2,500	5,000	5,000	10,000
220.23 Publication of radio information	2,500	5,000	5,000	10,000
220.25 Instruction of employees	5,000	7,500	10,000	15,000
220.27 Identification	1,000	2,000	2,000	4,000
220.29 Statement of letters and numbers	1,000	2,000	2,000	4,000
220.31 Initiating a transmission	1,000	2,000	2,000	4,000
220.33 Receiving a transmission	1,000	2,000	2,000	4,000
220.35 Ending a transmission	1,000	2,000	2,000	4,000
220.37 Voice test	5,000	7,500	10,000	15,000
220.39 Continuous monitoring	2,500	5,000	5,000	10,000
220.41 [Reserved]				
220.43 Communication consistent with the rules	2,500	5,000	5,000	10,000
220.45 Complete communications	2,500	5,000	5,000	10,000
220.47 Emergencies	2,500	5,000	5,000	10,000
220.49 Switching, backing or pushing	5,000	7,500	10,000	15,000
220.51 Signal indications	5,000	7,500	10,000	15,000
220.61 Radio transmission of mandatory directives	5,000	7,500	10,000	15,000
Subpart C—Electronic Devices				
220.302 Operating rules	9,500	17,000	19,000	34,000
220.303 General; interfering with safety-related duties	9,500	17,000	19,000	34,000
220.305 Personal electronic device turned on while prohibited	5,500	10,000	11,000	20,000
(a)-(c) Personal device in use while prohibited	9,500	17,000	19,000	34,000
220.307 Railroad-supplied device turned on while prohibited	5,500	10,000	11,000	20,000
(a) Use not authorized by railroad in writing	9,500	17,000	19,000	34,000
(b)-(d) Railroad-supplied devices in use while prohibited	9,500	17,000	19,000	34,000
220.311 Railroad operating employees in deadhead status:				
(a)	9,500	17,000	19,000	34,000
(b) Devices turned on while prohibited; or device in use while prohibited	5,500	10,000	11,000	20,000
220.313 Program of instruction:				

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(a)-(d)	9,500	17,000	19,000	34,000
220.315 Operational tests and inspections:				
(a)-(b)	9,500	17,000	19,000	34,000

¹ A 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.

² The 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—Rear End Marking Device - Passenger, Commuter and Freight Trains-Schedule of Civil Penalties¹

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
221.13 Marking device display:				
(a) device not present, not displayed, or not properly illuminated	\$ 5,000	\$ 7,500	\$ 10,000	\$ 15,000
(d) device too close to rail	1,000	2,000	2,000	4,000
221.14 Marking devices: Use of unapproved or noncomplying device	2,500	5,000	5,000	10,000
221.15 Marking device inspection:				
(a) Failure to inspect at crew change	2,500	5,000	5,000	10,000
(b), (c) improper inspection	2,500	5,000	5,000	10,000
221.16 Inspection procedure:				
(a) Failure to obtain protection	5,000	7,500	10,000	15,000
(b) Improper protection	2,500	5,000	5,000	10,000
221.17 Movement of defective equipment	¹	¹	¹	¹

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. 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,

Part 222—Use of Locomotive Horns at Public Highway-Rail Grade Crossings-Schedule of Civil Penalties¹

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart B—Use of Locomotive Horns				
§ 222.21 Use of locomotive horn				
(a) Failure to sound horn at grade crossing	\$ 5,000	\$ 7,500	\$ 10,000	\$ 15,000
Failure to sound horn in proper pattern	1,000	3,000	2,000	6,000
(b) Failure to sound horn at least 15 seconds and less than 1/4-mile before crossing	5,000	7,500	10,000	15,000
Sounding the locomotive horn more than 25 seconds before crossing	1,000	2,000	2,000	4,000
Sounding the locomotive horn more than 1/4-mile in advance of crossing	1,000	2,000	2,000	4,000
§ 222.33 Failure to sound horn when conditions of § 222.33 are not met	5,000	7,500	10,000	15,000
§ 222.45 Routine sounding of the locomotive horn at quiet zone crossing	5,000	7,500	10,000	15,000
§ 222.49(b) Failure to provide Grade Crossing Inventory Form information	2,500	5,000	5,000	10,000
§ 222.59(d) Routine sounding of the locomotive horn at a grade crossing equipped with wayside horn	5,000	7,500	10,000	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 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—Safety Glazing Standards - Locomotives, Passenger Cars and Cabooses-Schedule of Civil Penalties¹

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
223.9 Requirements for equipment built or rebuilt after June 30, 1980.				
(a) Locomotives	\$ 2,500	\$ 5,000	\$ 5,000	\$ 10,000
(b) Cabooses	2,500	5,000	5,000	10,000
(c) Passenger cars	2,500	5,000	5,000	10,000
223.11(c) Requirements for locomotives built or rebuilt prior to July 1, 1980.	2,500	5,000	5,000	10,000
(d) Repair of window	1,000	2,000	2,000	4,000
223.13(c) Requirements for cabooses built or rebuilt prior to July 1, 1980.	2,500	5,000	5,000	10,000
(d) Repair of window	1,000	2,000	2,000	4,000
223.15(c) Requirements for passenger cars built or rebuilt prior to July 1, 1980.	2,500	5,000	5,000	10,000
(d) Repair of window	1,000	2,000	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 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; 87 FR 68913, Nov. 17, 2022]

Part 224—Reflectorization of Rail Freight Rolling Stock-Schedule of Civil Penalties¹

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart B—Application, Inspection, and Maintenance of Retroreflective Material				
§ 224.103 Characteristics of retroreflective sheeting:				
(a)-(d) Retroreflective sheeting applied does not meet the requirements of § 224.103	\$ 2,500	\$ 5,000	\$ 5,000	\$ 10,000
§ 224.105 Sheeting dimensions and quantity:				
Failure to apply minimum amount of retroreflective sheeting in accordance with Table 2	2,500	5,000	5,000	10,000
Applying retroreflective sheeting of wrong dimensions	2,500	5,000	5,000	10,000
§ 224.106 Location of retroreflective sheeting:				
(a), (b)Applying retroreflective sheeting in nonconforming pattern	2,000	4,000	4,000	8,000
§ 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	10,000	15,000
(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	10,000	15,000
§ 224.109 Inspection, repair, and replacement:				
(a) Failure to perform inspection	5,000	7,500	10,000	15,000
Failure to properly notify car owner of defect	2,500	5,000	5,000	10,000
Failure to retain written notification of defect for two years	1,500	2,500	3,000	5,000
Failure to repair defect after notification	5,000	7,500	10,000	15,000
(b) Failure to perform inspection	5,000	7,500	10,000	15,000
Failure to repair defect	5,000	7,500	10,000	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 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—Railroad Accidents/Incidents: Reports Classification, and Investigations-Schedule of Civil Penalties¹

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
225.6: Failure to comply with consolidated reporting requirements	\$ 2,500	\$ 5,000	\$ 5,000	\$ 10,000
225.9:				
(1) Failure to report	2,500	5,000	5,000	10,000
(2) Failure to immediately report	1,000	2,000	2,000	4,000
(3) Failure to accurately report	1,000	2,000	2,000	4,000
225.11:				
(1) Failure to report accident/incident	2,500	5,000	5,000	10,000
(a) Highway-rail grade crossing				
(b) Rail Equipment				
(c) Death, Injury, or occupational illness				
(2) Report is incomplete	1,000	2,000	2,000	4,000
225.12: Failure to file Railroad Employee Human Factor form	2,500	5,000	5,000	10,000
(a) Failure to file Railroad Employee Human Factor Attachment correctly:				
(1) Employee identified	2,500	5,000	5,000	10,000
(2) No employee identified	1,000	2,000	2,000	4,000
(b)				
(1) Failure to notify employee properly	2,500	5,000	5,000	10,000
(2) Notification of employee not involved in accident	2,500	5,000	5,000	10,000
(c) Failure of employing railroad to provide requested information properly	1,000	2,000	2,000	4,000
(d)				
(1) Failure to revise report	2,500	5,000	5,000	10,000
(2) Failure to notify after late identification	2,500	5,000	5,000	10,000
(f) Submission of notice if employee dies as result of the reported accident	2,500	5,000	5,000	10,000
(g) Willfully false accident statement by employee		5,000		10,000
225.13:				
(1) Failure to Late reports	2,500	5,000	5,000	10,000
(2) Failure to Review Employee Statement	2,500	5,000	5,000	10,000
(3) Failure to Amend Report	1,000	2,000	2,000	4,000
225.18: Alcohol or drug involvement	2,500	5,000	5,000	10,000
225.23: Joint operations	1	1	1	1
225.25:				
(1) Recordkeeping	2,500	5,000	5,000	10,000
(2) Failure to post list	1,000	2,000	2,000	4,000
(3) Posting Prohibited Information	1,000	2,000	2,000	4,000
(4) Missing fields	1,000	2,000	2,000	4,000
225.27:				

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(1) Failure to retain records	1,000	2,000	2,000	4,000
(2) Failure to retain electronic receipt	1,000	2,000	2,000	4,000
(3) Failure to comply with electronic recordkeeping requirements	1,000	2,000	2,000	4,000
(4) Failure to provide access to records	1,000	2,000	2,000	4,000
225.33:				
(1) Failure to adopt Internal Control Plan or more than two missing/outdated/incorrect components	2,500	5,000	5,000	10,000
(2) Internal Control Plan with less than three missing/outdated/incorrect components	1,000	2,000	2,000	4,000
(3) Failure to comply with Internal Control Plan	2,500	5,000	5,000	10,000
(4) Failure to comply with the intimidation/harassment policy in Internal Control Plan	2,500	5,000	5,000	10,000
(5) Failure to comply with requirements associated with Form FRA F 6180.150	2,500	5,000	5,000	10,000
225.35: Access to records and reports	2,500	5,000	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. 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.

[75 FR 68909, Nov. 9, 2010, as amended at 77 FR 24421, Apr. 24, 2012; 81 FR 43110, July 1, 2016; 83 FR 60748, Nov. 27, 2018]

Part 227—Occupational Noise Exposure-Schedule of Civil Penalties

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart A—General				
227.3 Application:				
(b)(4) Failure to meet the required conditions for foreign railroad operations	\$2,500	\$5,000	\$5,000	\$10,000
Subpart B—General Requirements				
227.103 Noise monitoring program:				
(a) Failure to develop and/or implement a noise monitoring program	7,500	10,000	15,000	20,000
(b) Failure to use sampling as required	2,500	5,000	5,000	10,000
(c) Failure to integrate sound levels and/or make noise measurements as required	2,500	5,000	5,000	10,000
(d) Failure to repeat noise monitoring where required	2,500	5,000	5,000	10,000
(e) Failure to consider work environments where hearing protectors may be omitted	2,500	5,000	5,000	10,000
(f) Failure to provide opportunity to observe monitoring	2,000	4,000	4,000	8,000
(g) Reporting of Monitoring Results:				
(1) Failure to notify monitored employee	2,500	5,000	5,000	10,000
(2) Failure to post results as required	2,500	5,000	5,000	10,000
227.105 Protection of employees:				
(a) Failure to provide appropriate protection to exposed employee	7,500	10,000	15,000	20,000
(b) Failure to observe and document source(s) of noise exposures	2,500	5,000	5,000	10,000
(c)-(d) Failure to protect employee from impermissible continuous noise	5,000	7,500	10,000	15,000
227.107 Hearing conservation program:				
(a) Failure to administer a HCP	7,500	10,000	15,000	20,000
(b) Failure to compute noise exposure as required	3,500	7,000	7,000	14,000
227.109 Audiometric testing program:				
(a) Failure to establish and/or maintain an audiometric testing program	7,500	10,000	15,000	20,000
(b) Failure to provide audiometric test at no cost to employee	2,500	5,000	5,000	10,000
(c) Failure to have qualified person perform audiometric test	2,500	5,000	5,000	10,000
(d) [Reserved]				
(e) Failure to establish baseline audiogram as required	3,500	7,000	7,000	14,000
(f) Failure to offer and/or require periodic audiograms as required	2,500	5,000	5,000	10,000
(g) Failure to evaluate audiogram as required	2,500	5,000	5,000	10,000
(h) Failure to comply with follow-up procedures as required	2,500	5,000	5,000	10,000
(i) Failure to use required method for revising baseline audiograms	2,500	5,000	5,000	10,000
227.111 Audiometric test requirements:				
(a) Failure to conduct test as required	2,500	5,000	5,000	10,000
(b) Failure to use required equipment	2,500	5,000	5,000	10,000
(c) Failure to administer test in room that meets requirements	2,500	5,000	5,000	10,000
(d) Complete failure to calibrate	5,000	7,500	10,000	15,000
(1) Failure to perform daily calibration as required	2,000	4,000	4,000	8,000
(2) Failure to perform annual calibration as required	2,000	4,000	4,000	8,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(3) Failure to perform exhaustive calibration as required	2,000	4,000	4,000	8,000
227.115 Hearing protectors (HP):				
(a) Failure to comply with general requirements	3,000	6,000	6,000	12,000
(b) Failure to make HP available as required	2,500	5,000	5,000	10,000
(c) Failure to require use of HP at action level	5,000	7,500	10,000	15,000
(d) Failure to require use of HP at TWA of 90 dB(A)	5,000	7,500	10,000	15,000
227.117 Hearing protector attenuation:				
(a) Failure to evaluate attenuation as required	2,500	5,000	5,000	10,000
(b)-(c) Failure to attenuate to required level	2,500	5,000	5,000	10,000
(d) Failure to re-evaluate attenuation	2,500	5,000	5,000	10,000
227.119 Training program:				
(a) Failure to institute a training program as required	5,000	7,500	10,000	15,000
(b) Failure to provide training within required time frame	2,500	5,000	5,000	10,000
(c) Failure of program and/or training materials to include required information	2,500	5,000	5,000	10,000
227.121 Recordkeeping:				
(a) General Requirements:				
(1) Failure to make record available as required	2,500	5,000	5,000	10,000
(3) Failure to transfer or retain records as required	2,000	4,000	4,000	8,000
(b)-(f) Records:				
(1) Failure to maintain record or failure to maintain record with required information	2,000	4,000	4,000	8,000
(2) Failure to retain records for required time period	2,000	4,000	4,000	8,000

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—Passenger Train Employee Hours of Service; Recordkeeping and Reporting; Sleeping Quarters-Schedule of Civil Penalties¹

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart B—Records and Reporting:				
228.9 Railroad records	\$ 1,000	\$ 2,000	\$ 2,000	\$ 4,000
228.11 Hours of duty records	1,000	2,000	2,000	4,000
228.17 Dispatcher's record	1,000	2,000	2,000	4,000
228.19 Monthly reports of excess service	1,000	2,000	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.

[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]

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)	Base Range (Low)	Base Range (High)	Base Range Low (Willful)	Base Range High (Willful)	Updated Range (Low)	Updated Range (High)	Updated Range Low (Willful)	Updated Range High (Willful)
(c) Improper signature	3,500	7,000	7,000	14,000								
229.315 Operations and maintenance manual:												
(a) Failure to implement and maintain manual	5,000	10,000	10,000	20,000								
(c) Failure to document revisions	5,000	10,000	10,000	20,000								
(d) Failure to follow plan	5,000-10,000	15,000	10,000-20,000	30,000	5,000	10,000	15,000		10,000	20,000	30,000	-
229.317 Training and qualification program:												
(a) Failure to establish and implement program	5,000	10,000	10,000	20,000								
(b) Failure to conduct training	2,500	5,000	5,000	10,000								
(g) Failure to evaluate program	2,500	5,000	5,000	10,000								
(h) Failure to maintain records	1,500	3,000	3,000	6,000								
229.319 Operating personnel training	2,500	5,000	5,000	10,000								

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 \$34,401 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; 84 FR 37059, July 31, 2019; 86 FR 1745, Jan. 11, 2021; 86 FR 23241, May 3, 2021; 87 FR 15839, Mar. 21, 2022; 88 FR 1114, Jan. 6, 2023]

Part 230—Steam Locomotive Inspection and Maintenance Standards-Civil Penalty Schedule

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
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	\$ 2,000	\$ 5,000
(b) Failure of owner and/or operator to approve repairs made prior to use of steam locomotive	1,000	1,500	2,000	3,000
230.12 Movement of non-complying steam locomotive:	1	1	1	1
230.13 Daily inspection:				
(a) (b):				
(1) Inspection overdue	1,500	3,000	3,000	6,000
(2) Inspection not performed by qualified person	1,000	1,500	2,000	3,000
(c) Inspection report not made, improperly executed or not retained	1,000	1,500	2,000	3,000
230.14 Thirty-one service day inspection:				
(a):				
(1) Inspection overdue	1,500	3,000	3,000	6,000
(2) Inspection not performed by qualified person				
(b) Failure to notify FRA	1,000	1,500	2,000	3,000
(c) Inspection report not made, improperly executed, not properly filed	1,000	1,500	2,000	3,000
230.15 Ninety-two service day inspection:				
(a):				
(1) Inspection overdue	1,500	3,000	3,000	6,000
(2) Inspection not performed by qualified person	1,000	1,500	2,000	3,000
(b) Inspection report not made, improperly executed, not properly filed	1,000	1,500	2,000	3,000
230.16 Annual inspection:				
(a):				
(1) Inspection overdue	1,500	3,000	3,000	6,000
(2) Inspection not performed by qualified person	1,000	1,500	2,000	3,000
(b) Failure to notify FRA	1,000	1,500	2,000	3,000
(c) Inspection report not made, improperly executed, not properly filed	1,000	1,500	2,000	3,000
230.17 One thousand four hundred seventy-two service day inspection:				
(a):				
(1) Inspection overdue	1,500	3,000	3,000	6,000
(2) Inspection not performed by qualified person	1,250	2,000	2,500	4,000
(b) Inspection report not made, improperly executed, not properly maintained, not properly filed	1,000	1,500	2,000	3,000
230.18 Service days:				
(a) Service day record not available for inspection	1,000	1,500	2,000	3,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(b) Failure to file service day report with FRA Regional Administrator	1,000	1,500	2,000	3,000
(c) Failure to complete all 1,472 service day inspection items prior to returning retired steam locomotive to service	1,500	3,000	3,000	6,000
230.19 Posting of forms:				
(a) FRA Form No. 1:				
(1) FRA Form No. 1 not properly filled out	1,000	1,500	2,000	3,000
(2) FRA Form No. 1 not properly displayed	1,000	1,500	2,000	3,000
(b) FRA Form No. 3:				
(1) FRA Form No. 3 not properly filled out	1,000	1,500	2,000	3,000
(2) FRA Form No. 3 not properly displayed	1,000	1,500	2,000	3,000
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	2,000	3,000
(2) FRA Form No. 19 not properly filled out	1,000	1,500	2,000	3,000
(3) FRA Form No. 19 not properly maintained	1,000	1,500	2,000	3,000
(b) Repairs to unstayed portions of the boiler:				
(1) FRA Form No. 19 not properly filled out	1,000	1,500	2,000	3,000
(2) FRA Form No. 19 not properly maintained	1,000	1,500	2,000	3,000
(c) Repairs to stayed portions of the boiler:				
(1) FRA Form No. 19 not properly filled out	1,000	1,500	2,000	3,000
(2) FRA Form No. 19 not properly maintained	1,000	1,500	2,000	3,000
230.21 Failure to properly document steam locomotive number Change	1,000	1,500	2,000	3,000
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	3,000	5,000
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	10,000	20,000
(b) Placing steam locomotive in service before safe working pressure for boiler has been established	5,000	10,000	10,000	20,000
230.24 Maximum allowable stress values on boiler components:				
(a) Use of materials not of sufficient tensile strength	1,000	2,000	2,000	4,000
(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	4,000	8,000
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	2,000	4,000
(b) Exceeding allowable stress values on round, rectangular or gusset braces	1,000	2,000	2,000	4,000
230.29 Inspection and repair:				
(a):				

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(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	3,000	6,000
(2) Failure to remove steam locomotive from service when considered necessary to do so	2,500	5,000	5,000	10,000
(b):				
(1) Failure of perform repairs in accordance with accepted industry standards	2,000	4,000	4,000	8,000
(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	4,000	8,000
230.30 Lap-joint seam boilers, Failure to properly inspect	2,000	4,000	4,000	8,000
230.31 Flues to be removed:				
(a):				
(1) Failure to remove all flues when inspecting boiler	1,500	3,000	3,000	6,000
(2) Failure to enter boiler and clean and inspect	1,500	3,000	3,000	6,000
(b) Failure to remove superheater flues when deemed necessary to do so	1,000	2,000	2,000	4,000
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	3,000	6,000
(b) Failure to properly inspect boiler during 1,472 service day inspection	1,500	3,000	3,000	6,000
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	3,000	6,000
(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	3,000	6,000
(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	3,000	6,000
(2) Repairing wasted sheets	1,500	3,000	3,000	6,000
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	3,000	6,000
(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	3,000	6,000
(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	2,000	4,000
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	2,000	4,000
230.36 Hydrostatic testing of boilers:				

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(a) Failure to perform hydrostatic test of boiler as required	1,500	3,000	3,000	6,000
(b) Failure to properly perform hydrostatic test	1,500	3,000	3,000	6,000
(c) Failure to properly inspect boiler after conducting hydrostatic test above MAWP	1,500	3,000	3,000	6,000
230.37 Failure to perform proper steam test or inspection of boiler after completion of repair or alteration to boiler	1,000	2,000	2,000	4,000
230.38 Telltale holes:				
(a) Failure to have telltale holes as required in staybolts	1,000	2,000	2,000	4,000
(b) Failure to have proper telltale holes in reduced body staybolts	1,000	2,000	2,000	4,000
(c) Failure to keep telltales holes when so required	1,000	2,000	2,000	4,000
230.39 Broken staybolts:				
(a) Boiler in service with excess number of broken staybolts	1,500	3,000	3,000	6,000
(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	3,000	6,000
(c) Failure to count leaking, plugged, or missing telltale holes as broken staybolts	1,500	3,000	3,000	6,000
(d) Closing telltale holes by prohibited means	1,500	3,000	3,000	6,000
230.40 Time and method of staybolt testing:				
(a) Failure to hammer test staybolts when so required	1,000	2,000	2,000	4,000
(b) Failure to properly hammer test staybolts	1,000	2,000	2,000	4,000
230.41 Flexible staybolts with caps:				
(a) Failure to inspect flexible staybolts as required	1,000	2,000	2,000	4,000
(b) Failure to replace broken flexible staybolts; failure to close inner ends of telltale holes as required	1,000	2,000	2,000	4,000
(c) Failure to report removal of flexible staybolts caps and other tests on FRA Form No. 3 when so required	1,000	2,000	2,000	4,000
(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	2,000	4,000
230.42 Failure to have accurate boiler steam gauge where engine crew can conveniently read	2,000	4,000	4,000	8,000
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	2,000	4,000
230.44 Failure to test steam gauge when so required	1,000	2,000	2,000	4,000
230.45 Failure to properly test and/or set steam gauge	1,000	2,000	2,000	4,000
230.46 Failure to attach to boiler backhead metal badge plate showing allowable steam pressure	1,000	1,500	2,000	3,000
230.47 Boiler Number:				
(a) (b) (c) Failure to stamp builder's number on boiler when number is known	1,000	1,500	2,000	3,000
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	5,000	10,000
(b) Failure to provide additional safety relief valve capacity when so required	3,000	6,000	6,000	12,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
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	5,000	10,000
(b) Safety relief valve(s) not set to open at prescribed pressure(s)	2,500	5,000	5,000	10,000
(c) Safety relief valve(s) not properly set	3,000	6,000	6,000	12,000
(d) Set pressure of lowest safety relief valve not properly indicated	1,000	2,000	2,000	4,000
230.50 Failure to test and adjust safety relief valves when required to do so	1,500	3,000	3,000	6,000
230.51 Failure to equip steam locomotive boiler with at least 2 properly installed water glasses	1,000	2,000	2,000	4,000
230.52 Failure to properly equip water glasses	2,000	4,000	4,000	8,000
230.53 Failure to properly clean water glass valves and/or gauge cocks when required to do so	1,000	2,000	2,000	4,000
230.54 Testing and maintenance:				
(a) Failure to properly test water glasses and/or gauge cocks	1,000	2,000	2,000	4,000
(b) Failure to properly maintain gauge cocks, water column drain valves, and/or water glass valves	1,500	3,000	3,000	6,000
230.55 Tubular type water and lubricator glasses and shields:				
(a) Failure to renew tubular type water glasses as required	1,000	2,000	2,000	4,000
(b) Failure to properly shield tubular water glasses and/or lubricator glasses	1,000	2,000	2,000	4,000
(c) Failure to properly locate and/or maintain water glasses and/or water glass shields	1,000	2,000	2,000	4,000
230.56 Failure to equip water glass with suitable lamp	1,000	2,000	2,000	4,000
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	6,000	12,000
(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	5,000	10,000
(c) Failure to properly brace injectors, feedwater pumps, and/or associated piping	1,000	2,000	2,000	4,000
230.58 Flue plugs:				
(a) Plugging flue plugs when not otherwise permitted	1,000	2,000	2,000	4,000
(b) Improperly plugging flue plugs, when otherwise permitted	1,000	2,000	2,000	4,000
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	3,000	6,000
230.60 Time of washing:				
(a) Failure to thoroughly wash boiler when required to do so	1,000	2,000	2,000	4,000
(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	3,000	6,000
(c) Failure to examine and/or properly maintain washout plugs washout plug sleeves, threaded openings	1,500	3,000	3,000	6,000
(d) Failure to clean fusible plugs when required to do so	1,500	3,000	3,000	6,000
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	2,000	4,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(b) Failure to renew arch tubes, water bar tubes; failure to repair or renew circulators, thermic siphons when required	1,500	3,000	3,000	6,000
(c) Failure to properly inspect and/or replace as necessary arch tubes, water bar tubes, circulators	1,500	3,000	3,000	6,000
230.62 Failure to properly inspect and/or repair or replace as necessary dry pipes subject to pressure	2,500	5,000	5,000	10,000
230.63 Failure to properly inspect smoke box, steam pipes, pressure parts when required to do so	1,500	3,000	3,000	6,000
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	3,000	6,000
230.65 Failure to keep steam locomotive boiler, piping, appurtenances in repair so steam does not obscure vision	1,000	2,000	2,000	4,000
230.66 Failure to properly oversee general design, construction, maintenance of steam locomotive(s) and tender(s)	1,000	2,000	2,000	4,000
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	5,000	10,000
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	2,000	3,000
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	2,000	4,000
230.70 Safe condition:				
(a) Failure to perform proper pre-departure inspection when so required	1,000	2,000	2,000	4,000
(b) Failure to properly equip steam locomotive with brake pipe valve clearly identified as "Emergency Brake Valve"	1,000	2,000	2,000	4,000
230.71 Orifice testing of air compressors:				
(a)(b):				
Failure to properly test and/or maintain air compressor(s) capacity	1,000	2,000	2,000	4,000
230.72 Testing main reservoirs:				
(a) Failure to properly test main reservoir(s) when required	1,000	2,000	2,000	4,000
(b) Impermissibly or improperly drilling main reservoir	1,000	2,000	2,000	4,000
(c) Impermissibly using NDE method to measure wall thickness of main reservoir	1,000	2,000	2,000	4,000
(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	3,000	6,000
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	2,000	3,000
(b) Failure to test air gauge(s) when so required	1,000	1,500	2,000	3,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(c) Failure to properly test air gauge(s)	1,000	1,500	2,000	3,000
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	2,000	3,000
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	2,000	3,000
230.76 Piston travel:				
(a) Insufficient minimum piston travel	1,000	1,500	2,000	3,000
(b) Excessive piston travel when steam locomotive is stationary	1,000	2,000	2,000	4,000
230.77 Foundation brake gear:				
(a) Failure to properly maintain foundation brake gear	1,000	2,000	2,000	4,000
(b) Foundation brake gear less than 2.5 inches above rail	1,000	2,000	2,000	4,000
230.78 Leakage:				
(a):				
(1) Failure to test for leakage from main reservoir or related piping as required	1,000	1,500	2,000	3,000
(2) Failure to repair excessive leakage from main reservoir or related piping leakage	1,000	2,000	2,000	4,000
(b) Failure to test for brake cylinder as required	1,000	1,500	2,000	3,000
(c):				
(1) Failure to test for leakage from steam locomotive brake pipe as required	1,000	2,000	2,000	4,000
(2) Failure to repair excessive brake pipe leakage	1,000	2,000	2,000	4,000
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	2,000	3,000
(2) Failure to repair train signal system or other on-board communication when not safe or suitable for service	1,000	1,500	2,000	3,000
230.80 Cabs:				
(a) Steam locomotive cab not safe and suitable for service	1,000	2,000	2,000	4,000
(b) Steam pipes: Construction, attachment	1,000	2,000	2,000	4,000
(c) Oil-burning steam locomotive, cab-enclosed	1,000	1,500	2,000	3,000
230.81 Cab aprons:				
(a) Cab apron, general provisions	1,000	1,500	2,000	3,000
(b) Cab apron, insufficient width	1,000	1,500	2,000	3,000
230.82 Fire doors:				
(a) Safe and suitable for service, general provisions	1,000	2,000	2,000	4,000
(b) Construction and maintenance of mechanically operated fire doors	1,000	2,000	2,000	4,000
(c) Construction and maintenance of hand-operated fire doors	1,000	2,000	2,000	4,000
230.83 Cylinder cocks:				
(1) Failure to properly equip with cylinder cocks	1,000	1,500	2,000	3,000
(2) Failure to properly maintain cylinder cocks	1,000	1,500	2,000	3,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
230.84 Sanders:				
(1) Inoperable sanders	1,000	1,500	2,000	3,000
(2) Failure to test sanders	1,000	1,500	2,000	3,000
230.85 Audible warning devices:				
(a) General provisions	1,000	1,500	2,000	3,000
(b) Sound level measurements, Failure to properly take	1,000	1,500	2,000	3,000
230.86 Required illumination:				
(a) General provisions	1,000	1,500	2,000	3,000
(b) Dimming device, Failure to properly equip with	1,000	1,500	2,000	3,000
(c) Multiple locomotives, Failure of lead locomotive to display headlight	1,000	1,500	2,000	3,000
230.87 Cab lights: Failure to properly equip with	1,000	2,000	2,000	4,000
230.88 Throttles: Failure to properly maintain, equip	1,000	2,000	2,000	4,000
230.89 Reverse gear:				
(a) General provisions	1,000	2,000	2,000	4,000
(b) Air-operated power reverse gear	1,000	2,000	2,000	4,000
(c) Power reverse gear reservoirs	1,000	2,000	2,000	4,000
230.90 Draw gear and draft systems:				
(a) Maintenance and testing	1,000	1,500	2,000	3,000
(b) Safety bars and chains, general	1,000	1,500	2,000	3,000
(c) Safety bars and chains, minimum length	1,000	1,500	2,000	3,000
(d) Lost motion between steam locomotive and tender	1,000	1,500	2,000	3,000
(e) Spring buffers: Improper application, compression	1,000	1,500	2,000	3,000
230.91 Chafing irons: Improper application, maintenance	1,000	1,500	2,000	3,000
230.92 Draw gear, draft systems: Improperly maintained, fastened	1,000	1,500	2,000	3,000
230.93 Pistons and piston rods:				
(a) Failure to properly inspect, maintain, renew	1,000	2,000	2,000	4,000
(b) Fasteners: Failure to keep tight, properly equip	1,000	2,000	2,000	4,000
230.94 Crossheads: Improperly maintained, excess clearance	1,000	2,000	2,000	4,000
230.95 Guides: Failure to securely fasten, properly maintain	1,000	2,000	2,000	4,000
230.96 Main, side, valve motion rods:				
(a) General	1,000	2,000	2,000	4,000
(b) Repairs				
(1) Failure to make in accordance with accepted national standard	1,000	2,000	2,000	4,000
(2) Failure to submit written request for approval prior to welding	1,000	2,000	2,000	4,000
(c) Bearings and bushings	1,000	1,500	2,000	3,000
(d) Rod side motion: Excessive motion	1,000	1,500	2,000	3,000
(e) Oil, grease cups: Failure to securely fasten, properly equip	1,000	1,500	2,000	3,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(f) Main rod bearings:				
(1) excessive bore	1,000	1,500	2,000	3,000
(2) excessive lost motion	1,000	1,500	2,000	3,000
(g) Side rod bearings, excessive bore	1,000	1,500	2,000	3,000
230.97 Crank pins:				
(a) General provisions	1,000	2,000	2,000	4,000
(b) Maintenance: Failure to maintain in safe, suitable condition	1,000	2,000	2,000	4,000
230.98 Driving, trailing, engine truck axles:				
(a) Condemning defects	1,000	2,000	2,000	4,000
(b) Journal diameter: Failure to stamp on end of axle	750	1,000	1,500	2,000
230.99 Tender truck axle: Insufficient diameter	1,000	2,000	2,000	4,000
230.100 Defects in tender truck axles and journals:				
(a) Tender truck axle condemning defects	1,000	2,000	2,000	4,000
(b) Tender truck journal condemning defects	1,000	2,000	2,000	4,000
230.101 Steam locomotive driving journal boxes:				
(a) Driving journal boxes: Failure to properly maintain	1,000	2,000	2,000	4,000
(b) Broken bearings: Failure to renew	1,000	2,000	2,000	4,000
(c) Loose bearings: Failure to repair or renew	1,000	2,000	2,000	4,000
230.102 Tender plain bearing journal boxes: Failure to repair	1,000	1,500	2,000	3,000
230.103 Tender roller bearing journal boxes: Failure to properly maintain	1,000	1,500	2,000	3,000
230.104 Driving box shoes and wedges: Failure to properly maintain	1,000	1,500	2,000	3,000
230.105 Lateral motion:				
(a) Condemning limits: Total lateral motion in excess of	1,000	1,500	2,000	3,000
(b) Limits exceeded, failure to demonstrate conditions require additional lateral motion	1,000	1,500	2,000	3,000
(c) Interferes with other parts of steam locomotive	1,000	1,500	2,000	3,000
230.106 Steam locomotive frame:				
(a) Failure to properly inspect and/or maintain	1,000	2,000	2,000	4,000
(b) Broken frames, not properly patched or secured	2,500	5,000	5,000	10,000
230.107 Tender frame and body:				
(a) Failure to properly maintain	1,000	1,500	2,000	3,000
(b) Height difference between tender deck and steam locomotive cab floor or deck excessive	1,000	1,500	2,000	3,000
(c) Gangway minimum width excessive	1,000	1,500	2,000	3,000
(d) Tender frame condemning defects	1,500	3,000	3,000	6,000
230.108 Steam locomotive leading and trailing trucks:				
(a) Failure to properly maintain	1,000	1,500	2,000	3,000
(b) Safety chain, suitable safety chain not provided	1,000	1,500	2,000	3,000
(c) Insufficient truck clearance	1,000	2,000	2,000	4,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
230.109 Tender trucks:				
(a):				
(1) Tender truck frames	1,000	2,000	2,000	4,000
(2) Tender truck center plate	1,000	2,000	2,000	4,000
(b) Tender truck bolsters: Failure to properly maintain	1,500	3,000	3,000	6,000
(c) Condemning defects, springs and/or spring rigging	1,000	2,000	2,000	4,000
(d) Truck securing arrangement: Not properly maintained	1,000	1,500	2,000	3,000
(e) Side bearings, truck centering devices	1,000	2,000	2,000	4,000
(f) Friction side bearings: Run in contact	1,000	2,000	2,000	4,000
(g):				
(1) Side bearings, failure to equip rear trucks with	1,000	2,000	2,000	4,000
(2) Insufficient clearance of	1,000	2,000	2,000	4,000
230.110 Pilots:				
(a) General provisions	1,000	1,500	2,000	3,000
(b) Clearance, insufficient or excessive	1,000	1,500	2,000	3,000
230.111 Spring rigging:				
(a) Arrangement of springs and equalizers	1,000	2,000	2,000	4,000
(b) Spring or spring rigging condemning defects	1,000	2,000	2,000	4,000
230.112 Wheels and tires:				
(a) Improperly Mounted, excess variance in axle diameter	1,500	3,000	3,000	6,000
(b) Out of gage	1,000	2,000	2,000	4,000
(c) Flange distance variance, excessive	1,000	2,000	2,000	4,000
(d) Tire thickness, insufficient	1,000	2,000	2,000	4,000
(e) Tire width, insufficient	1,000	2,000	2,000	4,000
230.113 Wheels and tire defects:				
(1) Failure to repair	1,000	2,000	2,000	4,000
(2) Welding on, except as otherwise provided for	1,500	3,000	3,000	6,000
(a) Cracks or breaks in	1,000	2,000	2,000	4,000
(b) Flat spots	1,000	2,000	2,000	4,000
(c) Chipped flange	1,000	2,000	2,000	4,000
(d) Broken rim	1,000	2,000	2,000	4,000
(e) Shelled-out spots	1,000	2,000	2,000	4,000
(f) Seams	1,000	2,000	2,000	4,000
(g) Worn flanges, excessive wear	1,000	2,000	2,000	4,000
(h) Worn treads, excessive wear	1,000	2,000	2,000	4,000
(i) Flange height, insufficient or excessive	1,000	2,000	2,000	4,000
(j) Rim thickness, insufficient	1,000	2,000	2,000	4,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(k) Wheel diameter, excessive variance	1,000	2,000	2,000	4,000
230.114 Wheel centers:				
(a) Filling blocks and shims	1,000	2,000	2,000	4,000
(b) Wheel center condemning limits, failure to repair	1,000	2,000	2,000	4,000
(c) Wheel center repairs	1,000	2,000	2,000	4,000
(d) Counterbalance maintenance	1,000	2,000	2,000	4,000
230.115 Feed water tanks:				
(a) General provisions	1,000	2,000	2,000	4,000
(b) Inspection frequency, failure to inspect as required	1,000	1,500	2,000	3,000
(c) Top of tender: Improperly maintained and/or equipped	1,000	1,500	2,000	3,000
230.116 Oil tanks:				
(1) Failure to properly maintain	2,500	5,000	5,000	10,000
(2) Failure to equip with complying safety cut-off device	5,000	7,500	10,000	15,000

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—Railroad Safety Appliance Standards-Schedule of Civil Penalties¹

FRA safety appliance defect code section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
110.A1 Hand Brake or Hand Brake Part Missing	\$5,000	\$7,500	\$ 10,000	\$ 15,000
110.A2 Hand Brake or Hand Brake Part Broken	5,000	7,500	10,000	15,000
110.A3 Hand Brake or Hand Brake Part Loose or Worn	2,500	5,000	5,000	10,000
110.B1 Hand Brake Inoperative	5,000	7,500	10,000	15,000
110.B2 Hand Brake Inefficient	2,500	5,000	5,000	10,000
110.B3 Hand Brake Improperly Applied	2,500	5,000	5,000	10,000
110.B4 Hand Brake Incorrectly located	2,500	5,000	5,000	10,000
110.B5 Hand Brake Shaft Welded or Wrong Dimension	2,500	5,000	5,000	10,000
110.B6 Hand Brake Shaft Not Retained in Operating Position	2,500	5,000	5,000	10,000
110.B8 Hand Brake or Hand Brake Parts Wrong Design	2,500	5,000	5,000	10,000
114.B2 Hand Brake Wheel or Lever Has Insufficient Clearance Around Rim or Handle	2,500	5,000	5,000	10,000
114.B3 Hand Brake Wheel/Lever Clearance Insufficient to Vertical Plane Through Inside Face of Knuckle	2,500	5,000	5,000	10,000
120.A1 Brake Step Missing Except by Design	5,000	7,500	10,000	15,000
120.A2 Brake Step or Brace Broken or Decayed	2,500	5,000	5,000	10,000
120.A3 Brake Step or Brace Loose	2,500	5,000	5,000	10,000
120.B1 Brake Step or Brace Bent	2,500	5,000	5,000	10,000
120.B2 Brake Step or Wrong Dimensions	2,500	5,000	5,000	10,000
120.C1 Brake Step Improperly Applied	2,500	5,000	5,000	10,000
120.C2 Brake Step Improperly Located	2,500	5,000	5,000	10,000
120.C3 Brake Step With Less Than 4" Clearance to Vertical Plane Through Inside Face of Knuckle	2,500	5,000	5,000	10,000
120.C4 Brake Step Obstructed or Otherwise Unsafe	2,500	5,000	5,000	10,000
124.A1 Running Board Missing or Part Missing Except By Design	5,000	7,500	10,000	15,000
124.A2 Running Board Broken or Decayed	5,000	7,500	10,000	15,000
124.A3 Running Board Loose Presents a Tripping Hazard or Other Unsafe Condition	2,500	5,000	5,000	10,000
124.A4 Running Board Wrong Material	2,500	5,000	5,000	10,000
124.B1 Running Board Bent to the Extent that It is Unsafe	2,500	5,000	5,000	10,000
124.B2 Running Board Wrong Dimensions	2,500	5,000	5,000	10,000
124.B3 Running Board Wrong Location	2,500	5,000	5,000	10,000
124.C1 Running Board Improperly Applied	2,500	5,000	5,000	10,000
124.C2 Running Board Obstructed	2,500	5,000	5,000	10,000
126.A1 End Platform Missing or Part Except By Design	5,000	7,500	10,000	15,000
126.A2 End Platform Broken or Decayed	5,000	7,500	10,000	15,000

FRA safety appliance defect code section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
126.A3 End Platform Loose	2,500	5,000	5,000	10,000
126.B1 End Platform or Brace Bent	2,500	5,000	5,000	10,000
126.B2 End Platform Wrong Dimensions	2,500	5,000	5,000	10,000
126.C1 End Platform Improperly Applied	2,500	5,000	5,000	10,000
126.C2 End Platform With Less Than Required Clearance to Vertical Plane Through Inside Knuckle	2,500	5,000	5,000	10,000
126.C3 End Platform Improperly Located	2,500	5,000	5,000	10,000
126.C4 End Platform Obstructed	5,000	7,500	10,000	15,000
128.A1 Platform or Switching Step Missing	5,000	7,500	10,000	15,000
128.A2 Platform or Switching Step Broken or Decayed	5,000	7,500	10,000	15,000
128.A3 Platform or Switching Step Loose	2,500	5,000	5,000	10,000
128.B1 Platform or Switching Step Bent	2,500	5,000	5,000	10,000
128.B2 Platform or Switching Step Does Not Meet the Required Location or Dimensions	2,500	5,000	5,000	10,000
128.C1 Platform or Switching Step Improperly Applied or Repaired	2,500	5,000	5,000	10,000
128.C2 Platform or Switching Step Obstructed	2,500	5,000	5,000	10,000
128.D1 Switching Step Back Stop or Kick Plate Missing	2,500	5,000	5,000	10,000
128.D2 Switching Step Not Illuminated When Required	2,500	5,000	5,000	10,000
128.D3 Non-Illuminated Step Not Painted Contrasting Color	1,000	2,000	2,000	4,000
130.A1 Sill Step or Additional Tread, Missing	5,000	7,500	10,000	15,000
130.A2 Sill Step or Additional Tread, Broken	5,000	7,500	10,000	15,000
130.A3 Sill Step or Additional Tread, Loose	2,500	5,000	5,000	10,000
130.B1 Sill Step or Additional Tread, Bent	2,500	5,000	5,000	10,000
130.B2 Sill Step or Additional Tread, Having Wrong Dimensions or Improperly Located	2,500	5,000	5,000	10,000
130.B3 Sill Step Improperly Applied	2,500	5,000	5,000	10,000
132.A1 Side Missing Step	5,000	7,500	10,000	15,000
132.A2 Side Door Step Broken	5,000	7,500	10,000	15,000
132.A3 Side Door Step Loose	2,500	5,000	5,000	10,000
132.B1 Side Door Step Bent	2,500	5,000	5,000	10,000
132.B2 Side Door Step Having Wrong Dimensions	2,500	5,000	5,000	10,000
134.A1 Ladder Missing	5,000	7,500	10,000	15,000
134.A2 Ladder Broken	5,000	7,500	10,000	15,000
134.A3 Ladder Loose	2,500	5,000	5,000	10,000
134.B1 Ladder Bent	2,500	5,000	5,000	10,000
134.B2 Ladder Having Wrong Dimensions	2,500	5,000	5,000	10,000
134.C1 Ladder Improperly Applied	2,500	5,000	5,000	10,000
134.C2 Ladder Having Insufficient Clearance or Improperly Located	2,500	5,000	5,000	10,000

FRA safety appliance defect code section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
134.C3 Ladder Wrong Design	2,500	5,000	5,000	10,000
134.C4 Ladder Wrong Material	2,500	5,000	5,000	10,000
134.D1 End Clearance Insufficient	2,500	5,000	5,000	10,000
136.A1 Ladder Tread or Handholds Missing	5,000	7,500	10,000	15,000
136.A2 Ladder Tread or Handhold Broken	5,000	7,500	10,000	15,000
136.A3 Ladder Tread or Handhold Loose Except By Design	2,500	5,000	5,000	10,000
136.B1 Ladder Tread or Handhold Bent to The Extent That It May Be Unsafe	2,500	5,000	5,000	10,000
136.B2 Ladder Tread or Handhold Wrong Dimensions	2,500	5,000	5,000	10,000
136.C1 Ladder Tread or Handhold Improperly Applied	2,500	5,000	5,000	10,000
136.C2 Ladder Tread or Handhold Having Wrong Clearance	2,500	5,000	5,000	10,000
136.C3 Ladder or Handhold Improperly Located	2,500	5,000	5,000	10,000
136.C4 Ladder Tread or Handhold Obstructed	2,500	5,000	5,000	10,000
136.C5 Ladder Tread Without Footguards	2,500	5,000	5,000	10,000
138.A1 Hand or Safety Railing Missing	5,000	7,500	10,000	15,000
138.A2 Hand or Safety Railing Broken	5,000	7,500	10,000	15,000
138.A3 Hand or Safety Railing Loose Except by Design	2,500	5,000	5,000	10,000
138.B1 Hand or Safety Railing Bent	2,500	5,000	5,000	10,000
138.B2 Hand or Safety Railing Wrong Dimensions	2,500	5,000	5,000	10,000
138.C1 Hand or Safety Railing Improperly Applied	2,500	5,000	5,000	10,000
138.C2 Hand or Safety Railing Having Less Than the Required Clearance	2,500	5,000	5,000	10,000
138.C3 Hand or Safety Railing Improperly Located	2,500	5,000	5,000	10,000
140.A1 Uncoupling Lever Missing	2,500	5,000	5,000	10,000
140.A2 Uncoupling Lever Broken or Disconnected	2,500	5,000	5,000	10,000
140.B1 Uncoupling Lever Bent Will not Safely and Reasonably Function As Intended	2,500	5,000	5,000	10,000
140.C1 Uncoupling Lever Bracket Bent Lever Will Not Function Properly	2,500	5,000	5,000	10,000
140.C2 Uncoupling Lever Bracket Broken or Missing	2,500	5,000	5,000	10,000
140.D1 Uncoupling Lever Wrong Dimension	2,500	5,000	5,000	10,000
140.D2 Uncoupling Lever With Improper Handle Clearance	2,500	5,000	5,000	10,000
144.A1 Coupler Missing	5,000	7,500	10,000	15,000
144.B1 Coupler Height Incorrect	2,500	5,000	5,000	10,000
144.C1 Coupler Inoperative	2,500	5,000	5,000	10,000
145.A1 Kick Plates Missing	2,500	5,000	5,000	10,000
145.A2 Kick Plates Broken	2,500	5,000	5,000	10,000
145.B1 Kick Plates Wrong Dimensions	2,500	5,000	5,000	10,000
145.B2 Kick Plates Improper Clearance	2,500	5,000	5,000	10,000

FRA safety appliance defect code section²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
145.B3 Kick Plates Insecure Or Improperly Applied	2,500	5,000	5,000	10,000
146.A Notice or Stencil not Posted on Caboose with Running Boards Removed	1,000	2,000	2,000	4,000
146.B Safe Means not Provided to Clean or Maintain Windows of Caboose	1,000	2,000	2,000	4,000
231.31 Drawbars, standard height	2,500	5,000	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.

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]

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)	Base Range (Low)	Base Range (High)	Base Range Low (Willful)	Base Range High (Willful)	Updated Range (Low)	Updated Range (High)	Updated Range Low (Willful)	Updated Range High (Willful)
(a) Passenger trains: before locomotive is detached	5,000	7,500	10,000	15,000								
(b) Freight trains: before locomotive is detached	5,000	7,500	10,000	15,000								
(c)(1) Locomotive or caboose is changed, or one or more cars are cut off from the rear end or head end	5,000	7,500	10,000	15,000								
(c)(2) Brake pipe pressure restored	5,000	7,500	10,000	15,000								
(c)(3) Electropneumatic application and release test	5,000	7,500	10,000	15,000								
(d)(1) Cars are added at a point other than a terminal	5,000	7,500	10,000	15,000								
(d)(2)(i) Cars added at a terminal and have been charged and tested	5,000	7,500	10,000	15,000								
(d)(2)(ii) Cars added at a terminal and have not been charged and tested	5,000	7,500	10,000	15,000								
(d)(3) Brake pipe pressure restored at the rear of freight train	5,000	7,500	10,000	15,000								
(e)(1) Transfer train and yard train movements	2,500	5,000	5,000	10,000								
(e)(2) Transfer train and yard train movements exceeding 20 miles	5,000	7,500	10,000	15,000								
(f) Locomotives, cars or train standing on a yard	5,000	7,500	10,000	15,000								
(h) Device is used to comply with test requirement	2,500	5,000	5,000	10,000								
232.714 Inbound brake equipment inspection:												
(a) Inspection of trains upon arrival at terminals	1,000	2,000	2,000	4,000								
(b) Special instructions provide for immediate brake inspection and repairs	1,000	2,000	2,000	4,000								
232.715 Double heading and helper service:												
(a) Engineman of the leading locomotive shall operate the brakes	5,000	7,500	10,000	15,000								
(b) Electropneumatic brake valve	5,000	7,500	10,000	15,000								
232.716 Running tests	2,500	5,000	5,000	10,000								
232.717 Freight and passenger train car brakes:												
(a) Testing and repairing brakes on cars while in shop or on repair track:												
(a)(1) Periodic attention on freight car air brake equipment while car is on repair track	5,000	7,500	10,000	15,000								
(a)(2)(i) Single car testing of freight cars	2,500	5,000	5,000	10,000								
(a)(ii) Repair track tests of freight cars	2,500	5,000	5,000	10,000								
(a)(iii) Single car testing of passenger cars	2,500	5,000	5,000	10,000								
(a)(iv) Car is released from a shop or repair track	2,500	5,000	5,000	10,000								
(b)(1) Brake equipment on cars other than passenger cars	2,500	5,000	5,000	10,000								
(b)(2) Brake equipment on passenger cars	4,000	6,000	8,000	12,000								
(c) Maintenance plan for discontinued brake systems	5,000	7,500	10,000	15,000								

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 \$34,401 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; 84 FR 37059, July 31, 2019; 85 FR 80544, Dec. 11, 2020; 86 FR 1745, Jan. 11, 2021; 86 FR 23241, May 3, 2021; 87 FR 15839, Mar. 21, 2022; 88 FR 1114, Jan. 6, 2023]

Part 233—Signal Systems Reporting Requirements-Schedule of Civil Penalties¹

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
233.5 Accidents resulting from signal failure	\$2,500	\$5,000	\$ 5,000	\$ 10,000
233.7 Signal failure reports	5,000	7,500	10,000	15,000
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—Grade Crossing Safety-Schedule of Civil Penalties¹

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart B—Reports				
234.7 Accidents involving grade crossing signal failure	\$5,000	\$7,500	\$ 10,000	\$ 15,000
234.9 Grade crossing signal system failure reports	2,500	5,000	5,000	10,000
Subpart C—Response to Reports of Warning System Malfunction				
Sec.				
234.101 Employee notification rules	2,500	5,000	5,000	10,000
234.103 Timely response to report of malfunction	2,500	5,000	5,000	10,000
234.105 Activation failure				
(a) Failure to notify—train crews	5,000	7,500	10,000	15,000
Other railroads	5,000	7,500	10,000	15,000
(b) Failure to notify law enforcement agency	2,500	5,000	5,000	10,000
(c) Failure to comply with—flagging requirements	5,000	5,000	10,000	10,000
Speed restrictions	5,000	7,500	10,000	15,000
(d) Failure to activate horn or whistle	5,000	7,500	10,000	15,000
234.106 Partial activation				
(a) Failure to notify—train crews	5,000	7,500	10,000	15,000
Other railroads	5,000	7,500	10,000	15,000
(b) Failure to notify law enforcement agency	2,500	5,000	5,000	10,000
(c) Failure to comply with—flagging requirements speed restrictions	5,000	7,500	10,000	15,000
(d) Failure to activate horn or whistle	5,000	7,500	10,000	15,000
234.107 False activation				
(a) Failure to notify—train crews	5,000	7,500	10,000	15,000
Other railroads	5,000	7,500	10,000	15,000
(b) Failure to notify law enforcement agency	2,500	5,000	5,000	10,000
(c) Failure to comply with—flagging requirements	5,000	7,500	10,000	15,000
Speed restrictions	5,000	7,500	10,000	15,000
(d) Failure to activate horn or whistle	5,000	7,500	10,000	15,000
234.109 Recordkeeping	1,000	2,000	2,000	4,000
Subpart D—Maintenance, Inspection, and Testing				
Maintenance Standards:				
234.201 Location of plans	1,000	2,000	2,000	4,000
234.203 Control circuits	1,000	2,000	2,000	4,000
234.205 Operating characteristics of warning system apparatus	2,500	5,000	5,000	10,000
234.207 Adjustment, repair, or replacement of component	2,500	5,000	5,000	10,000
234.209 Interference with normal functioning of system	5,000	7,500	10,000	15,000
234.211 Locking of warning system apparatus	1,000	2,000	2,000	4,000
234.213 Grounds	1,000	2,000	2,000	4,000
234.215 Standby power system	5,000	7,500	10,000	15,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
234.217 Flashing light units	1,000	2,000	2,000	4,000
234.219 Gate arm lights and light cable	1,000	2,000	2,000	4,000
234.221 Lamp voltage	1,000	2,000	2,000	4,000
234.223 Gate arm	1,000	2,000	2,000	4,000
234.225 Activation of warning system	5,000	7,500	10,000	15,000
234.227 Train detection apparatus	2,500	5,000	5,000	10,000
234.229 Shunting sensitivity	2,500	5,000	5,000	10,000
234.231 Fouling wires	1,000	2,000	2,000	4,000
234.233 Rail joints	1,000	2,000	2,000	4,000
234.235 Insulated rail joints	1,000	2,000	2,000	4,000
234.237 Switch equipped with circuit controller	1,000	2,000	2,000	4,000
234.239 Tagging of wires and interference of wires or tags with signal apparatus	1,000	2,000	2,000	4,000
234.241 Protection of insulated wire; splice in underground wire	1,000	2,000	2,000	4,000
234.243 Wire on pole line and aerial cable	1,000	2,000	2,000	4,000
234.245 Signs	1,000	2,000	2,000	4,000
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	5,000	10,000
234.249 Ground tests	2,500	5,000	5,000	10,000
234.251 Standby power	5,000	7,500	10,000	15,000
234.253 Flashing light units and lamp voltage	1,000	2,000	2,000	4,000
234.255 Gate arm and gate mechanism	1,000	2,000	2,000	4,000
234.257 Warning system operation	2,500	5,000	5,000	10,000
234.259 Warning time	1,000	2,000	2,000	4,000
234.261 Highway traffic signal pre-emption	1,000	2,000	2,000	4,000
234.263 Relays	1,000	2,000	2,000	4,000
234.265 Timing relays and timing devices	1,000	2,000	2,000	4,000
234.267 Insulation resistance tests, wires in trunking and cables	2,500	5,000	5,000	10,000
234.269 Cut-out circuits	1,000	2,000	2,000	4,000
234.271 Insulated rail joints, bond wires, and track connections	2,500	5,000	5,000	10,000
234.273 Results of tests	1,000	2,000	2,000	4,000
234.275 Processor-Based Systems	\$5,000	\$7,500	10,000	15,000
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	30,000	50,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(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	20,000	30,000
(a)(2) Dispatching railroad improperly uses an automated answering system	10,000	15,000	20,000	30,000
(b)(1)-(2) Excepted dispatching railroad improperly uses answering machine to receive calls of unsafe conditions at crossings	5,000	7,500	10,000	15,000
(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	10,000	15,000
(e) Dispatching railroad improperly uses local telephone number to receive calls of unsafe conditions at crossings	5,000	7,500	10,000	15,000
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	10,000	15,000
(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	10,000	15,000
(ii) Dispatching railroad fails to promptly contact the maintaining railroad and inform it of the reported malfunction	5,000	7,500	10,000	15,000
<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	10,000	15,000
(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	10,000	15,000
(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	10,000	15,000
(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	10,000	15,000
(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	10,000	15,000
(iii) Railroad with only dispatching responsibility fails to promptly contact the maintaining railroad and inform it of the reported malfunction	5,000	7,500	10,000	15,000
(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	10,000	15,000
<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	10,000	15,000
(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	10,000	15,000
(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	10,000	15,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(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	10,000	15,000
(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	10,000	15,000
(iii) Railroad with only dispatching responsibility fails to promptly contact the maintaining railroad and inform it of the reported failure	5,000	7,500	10,000	15,000
(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	10,000	15,000
<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	10,000	15,000
(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	10,000	15,000
(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	10,000	15,000
(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	10,000	15,000
(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	10,000	15,000
(iii) Railroad with only dispatching responsibility fails to promptly contact the maintaining railroad and inform it of the reported obstruction	5,000	7,500	10,000	15,000
(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	10,000	15,000
<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	10,000	15,000
<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	10,000	15,000
(f)(2)(i) Railroad with only dispatching responsibility fails to promptly contact the maintaining railroad	5,000	7,500	10,000	15,000
(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	10,000	15,000
<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	10,000	15,000
(g)(2) Railroad with only dispatching responsibility fails to promptly contact the maintaining railroad	5,000	7,500	10,000	15,000
(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	10,000	15,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
<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	10,000	15,000
(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	20,000	30,000
(iii) Dispatching railroad improperly uses an automated answering system	10,000	15,000	20,000	30,000
(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	10,000	15,000
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	20,000	30,000
(a)(1)(i)-(iv) The primary dispatching railroad for the crossing fails to carry out one of the prescribed duties	5,000	7,500	10,000	15,000
(a)(2) Another pertinent dispatching railroad for the crossing fails to carry out remedial action as required by § 234.305	5,000	7,500	10,000	15,000
(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	10,000	15,000
(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	10,000	15,000
(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	10,000	15,000
(c)(2) The maintaining railroad fails to carry out remedial action as required by § 234.305	10,000	15,000	20,000	30,000
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	20,000	30,000
(a)(2) Dispatching railroad fails to ensure third-party telephone service compliance with § 234.307	10,000	15,000	20,000	30,000
(b)(1) Maintaining railroad improperly uses third-party telephone service	10,000	15,000	20,000	30,000
(b)(2) Maintaining railroad fails to ensure third-party telephone service compliance with § 234.307	10,000	15,000	20,000	30,000
(d)(1) Railroad fails to provide sufficient contact information to third-party telephone service	2,500	5,000	5,000	10,000
(d)(2)(i) Railroad fails to inform FRA in writing before the implementation of a third-party telephone service	2,500	5,000	5,000	10,000
(ii) Railroad fails to provide FRA with contact information for the third-party telephone service	2,500	5,000	5,000	10,000
(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	5,000	10,000
(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	5,000	10,000
(d)(4) ⁴ Dispatching or maintaining railroad fails to take appropriate action required by § 234.305.				

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(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	5,000	10,000
(b)(1)-(3) ⁶ Responsible railroad fails to display minimum required information on ENS sign	5,000	7,500	10,000	15,000
(c)(1)-(4) ⁷ Responsible railroad fails to display ENS sign that meets size and other physical requirements	5,000	7,500	10,000	15,000
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	10,000	15,000
(b)(1)-(2) Responsible railroad fails to properly locate and maintain the sign(s) at the crossing	5,000	7,500	10,000	15,000
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	5,000	10,000
(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	5,000	10,000
(d)(1) Railroad fails to properly retain records	2,500	5,000	5,000	10,000
(d)(2) Railroad fails to provide FRA access to records	2,500	5,000	5,000	10,000
234.315 Electronic recordkeeping:				
(a)-(b) Railroad fails to comply with electronic recordkeeping requirements	2,500	5,000	5,000	10,000
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	2,000	4,000
(c) Class I railroad failure to submit crossing data to the Crossing Inventory electronically	1,000	2,000	2,000	4,000
§ 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	5,000	10,000
(b) Operating railroad failure to timely submit accurate partial crossing data to the Crossing Inventory for previously unreported crossing	2,500	5,000	5,000	10,000
(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	2,000	4,000
§ 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	5,000	10,000
(b) Operating railroad failure to timely submit accurate partial crossing data to the Crossing Inventory for new crossing	2,500	5,000	5,000	10,000
(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	2,000	4,000
§ 234.409 Submission of periodic updates to the Crossing Inventory:				

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(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	5,000	10,000
(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	5,000	10,000
§ 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	5,000	10,000
(b) Primary operating railroad failure to timely report crossing closure to the Crossing Inventory	2,500	5,000	5,000	10,000
(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	5,000	10,000
§ 234.413 Recordkeeping	1,000	2,000	2,000	4,000
§ 234.415 Electronic Recordkeeping	1,000	2,000	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. 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—Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief from the Requirements of Part 236-
Schedule of Civil Penalties¹**

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
235.5 Changes requiring filing of application	\$5,000	\$7,500	\$ 10,000	\$ 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 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—Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances-
Schedule of Civil Penalties^{1,2}

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart A—Rules and Instructions—All Systems				
<i>General:</i>				
236.0 Applicability, minimum requirements	\$2,500	\$5,000	\$ 5,000	\$ 10,000
236.1 Plans, where kept	1,000	2,000	2,000	4,000
236.2 Grounds	1,000	2,000	2,000	4,000
236.3 Locking of signal apparatus housings:				
(a) Power interlocking machine cabinet not secured against unauthorized entry	2,500	5,000	5,000	10,000
(b) other violations	1,000	2,000	2,000	4,000
236.4 Interference with normal functioning of device	5,000	7,500	10,000	15,000
236.5 Design of control circuits on closed circuit principle	1,000	2,000	2,000	4,000
236.6 Hand-operated switch equipped with switch circuit controller	1,000	2,000	2,000	4,000
236.7 Circuit controller operated by switch-and-lock movement	1,000	2,000	2,000	4,000
236.8 Operating characteristics of electro-magnetic, electronic, or electrical apparatus	1,000	2,000	2,000	4,000
236.9 Selection of circuits through indicating or annunciating instruments	1,000	2,000	2,000	4,000
236.10 Electric locks, force drop type; where required	1,000	2,000	2,000	4,000
236.11 Adjustment, repair, or replacement of component	2,500	5,000	5,000	10,000
236.12 Spring switch signal protection; where required	1,000	2,000	2,000	4,000
236.13 Spring switch; selection of signal control circuits through circuit controller	1,000	2,000	2,000	4,000
236.14 Spring switch signal protection; requirements	1,000	2,000	2,000	4,000
236.15 Timetable instructions	1,000	2,000	2,000	4,000
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	5,000	10,000
(b) other violations	1,000	2,000	2,000	4,000
236.17 Pipe for operating connections, requirements	1,000	2,000	2,000	4,000
236.18 Software management control plan:				
Failure to develop and adopt a plan	5,000	10,000	10,000	20,000
Failure to fully implement plan	5,000	10,000	10,000	20,000
Inadequate plan	2,500	10,000	5,000	20,000
<i>Roadway Signals and Cab Signals —</i>				
236.21 Location of roadway signals	1,000	2,000	2,000	4,000
236.22 Semaphore signal arm; clearance to other objects	1,000	2,000	2,000	4,000
236.23 Aspects and indications	1,000	2,000	2,000	4,000
236.24 Spacing of roadway signals	2,500	5,000	5,000	10,000
236.26 Buffing device, maintenance	1,000	2,000	2,000	4,000
<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	5,000	10,000
(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	5,000	10,000
(c) other violations	1,000	2,000	2,000	4,000
236.52 Relayed cut-section	1,000	2,000	2,000	4,000
236.53 Track circuit feed at grade crossing	1,000	2,000	2,000	4,000
236.54 Minimum length of track circuit	1,000	2,000	2,000	4,000
236.55 Dead section; maximum length	1,000	2,000	2,000	4,000
236.56 Shunting sensitivity	2,500	5,000	5,000	10,000
236.57 Shunt and fouling wires:				
(a) Shunt or fouling wires do not consist of at least two discrete conductors	2,500	5,000	5,000	10,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(b) other violations	1,000	2,000	2,000	4,000
236.58 Turnout, fouling section:				
(a) Rail joint in shunt fouling section not bonded	2,500	5,000	5,000	10,000
(b) other violations	1,000	2,000	2,000	4,000
236.59 Insulated rail joints	1,000	2,000	2,000	4,000
236.60 Switch shunting circuit; use restricted	2,500	5,000	5,000	10,000
<i>Wires and Cables—</i>				
236.71 Signal wires on pole line and aerial cable	1,000	2,000	2,000	4,000
236.73 Open-wire transmission line; clearance to other circuits	1,000	2,000	2,000	4,000
236.74 Protection of insulated wire; splice in underground wire	1,000	2,000	2,000	4,000
236.76 Tagging of wires and interference of wires or tags with signal apparatus	1,000	2,000	2,000	4,000
<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	5,000	10,000
236.102 Semaphore or search-light signal mechanism	1,000	2,000	2,000	4,000
236.103 Switch circuit controller or point detector	1,000	2,000	2,000	4,000
236.104 Shunt fouling circuit	1,000	2,000	2,000	4,000
236.105 Electric lock	1,000	2,000	2,000	4,000
236.106 Relays	1,000	2,000	2,000	4,000
236.107 Ground tests	1,000	2,000	2,000	4,000
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	5,000	10,000
(b) other violations	1,000	2,000	2,000	4,000
236.109 Time releases, timing relays and timing devices	1,000	2,000	2,000	4,000
236.110 Results of tests	1,000	2,000	2,000	4,000
Subpart B—Automatic Block Signal Systems				
236.201 Track circuit control of signals	1,000	2,000	2,000	4,000
236.202 Signal governing movements over hand-operated switch	1,000	2,000	2,000	4,000
236.203 Hand-operated crossover between main tracks; protection	1,000	2,000	2,000	4,000
236.204 Track signaled for movements in both directions, requirements	1,000	2,000	2,000	4,000
236.205 Signal control circuits; requirements	1,000	2,000	2,000	4,000
236.206 Battery or power supply with respect to relay; location	1,000	2,000	2,000	4,000
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	5,000	10,000
(b) other violations	1,000	2,000	2,000	4,000
236.301 Where signals shall be provided	1,000	2,000	2,000	4,000
236.302 Track circuits and route locking	1,000	2,000	2,000	4,000
236.303 Control circuits for signals, selection through circuit controller operated by switch points or by switch locking mechanism	1,000	2,000	2,000	4,000
236.304 Mechanical locking or same protection effected by circuits	1,000	2,000	2,000	4,000
236.305 Approach or time locking	1,000	2,000	2,000	4,000
236.306 Facing point lock or switch-and-lock movement	1,000	2,000	2,000	4,000
236.307 Indication locking:				
236.308 Mechanical or electric locking or electric circuits; requisites	1,000	2,000	2,000	4,000
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	5,000	10,000
(b) Other violations	1,000	2,000	2,000	4,000
236.310 Signal governing approach to home signal	1,000	2,000	2,000	4,000
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	2,000	4,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
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	5,000	10,000
(b) other violations	1,000	2,000	2,000	4,000
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	5,000	10,000
(b) other violations	1,000	2,000	2,000	4,000
<i>Rules and Instructions —</i>				
236.326 Mechanical locking removed or disarranged; requirement for permitting train movements through interlocking	1,000	2,000	2,000	4,000
236.327 Switch, movable-point frog or split-point derail	1,000	2,000	2,000	4,000
236.328 Plunger of facing-point	1,000	2,000	2,000	4,000
236.329 Bolt lock	1,000	2,000	2,000	4,000
236.330 Locking dog of switch and lock movement	1,000	2,000	2,000	4,000
236.334 Point detector	1,000	2,000	2,000	4,000
236.335 Dogs, stops and trunnions of mechanical locking	1,000	2,000	2,000	4,000
236.336 Locking bed	1,000	2,000	2,000	4,000
236.337 Locking faces of mechanical locking; fit	1,000	2,000	2,000	4,000
236.338 Mechanical locking required in accordance with locking sheet and dog chart	1,000	2,000	2,000	4,000
236.339 Mechanical locking; maintenance requirements	1,000	2,000	2,000	4,000
236.340 Electromechanical interlocking machine; locking between electrical and mechanical levers	1,000	2,000	2,000	4,000
236.341 Latch shoes, rocker links, and quadrants	1,000	2,000	2,000	4,000
236.342 Switch circuit controller	1,000	2,000	2,000	4,000
<i>Inspection and Tests —</i>				
236.376 Mechanical locking	1,000	2,000	2,000	4,000
236.377 Approach locking	1,000	2,000	2,000	4,000
236.378 Time locking	1,000	2,000	2,000	4,000
236.379 Route locking	1,000	2,000	2,000	4,000
236.380 Indication locking	1,000	2,000	2,000	4,000
236.381 Traffic locking	1,000	2,000	2,000	4,000
236.382 Switch obstruction test	1,000	2,000	2,000	4,000
236.383 Valve locks, valves, and valve magnets	1,000	2,000	2,000	4,000
236.384 Cross protection				
236.386 Restoring feature on power switches				
236.387 Movable bridge locking	1,000	2,000	2,000	4,000
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	2,000	4,000
236.403 Signals at controlled point	1,000	2,000	2,000	4,000
236.404 Signals at adjacent control points	1,000	2,000	2,000	4,000
236.405 Track signaled for movements in both directions, change of direction of traffic	1,000	2,000	2,000	4,000
236.407 Approach or time locking; where required	1,000	2,000	2,000	4,000
236.408 Route locking	1,000	2,000	2,000	4,000
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	5,000	10,000
(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	5,000	10,000
(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	5,000	10,000
(d) other violations	1,000	2,000	2,000	4,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
<i>Rules and Instructions—</i>				
236.426 Interlocking rules and instructions applicable to traffic control systems	1,000	2,000	2,000	4,000
236.476 Interlocking inspections and tests applicable to traffic control systems	1,000	2,000	2,000	4,000
Subpart E—Automatic Train Stop, Train Control and Cab Signal Systems Standards				
236.501 Forestalling device and speed control	1,000	2,000	2,000	4,000
236.502 Automatic brake application, initiation by restrictive block conditions stopping distance in advance	1,000	2,000	2,000	4,000
236.503 Automatic brake application; initiation when predetermined rate of speed exceeded	1,000	2,000	2,000	4,000
236.504 Operations interconnected with automatic block-signal system	1,000	2,000	2,000	4,000
236.505 Proper operative relation between parts along roadway and parts on locomotive	1,000	2,000	2,000	4,000
236.506 Release of brakes after automatic application	1,000	2,000	2,000	4,000
236.507 Brake application; full service	1,000	2,000	2,000	4,000
236.508 Interference with application of brakes by means of brake valve	1,000	2,000	2,000	4,000
236.509 Two or more locomotives coupled	1,000	2,000	2,000	4,000
236.511 Cab signals controlled in accordance with block conditions stopping distance in advance	1,000	2,000	2,000	4,000
236.512 Cab signal indication when locomotive enters blocks	1,000	2,000	2,000	4,000
236.513 Audible indicator	1,000	2,000	2,000	4,000
236.514 Interconnection of cab signal system with roadway signal system	1,000	2,000	2,000	4,000
236.515 Visibility of cab signals	1,000	2,000	2,000	4,000
236.516 Power supply	1,000	2,000	2,000	4,000
<i>Rules and Instructions; Roadway—</i>				
236.526 Roadway element not functioning properly	2,500	5,000	5,000	10,000
236.527 Roadway element insulation resistance	1,000	2,000	2,000	4,000
236.528 Restrictive condition resulting from open hand-operated switch; requirement	1,000	2,000	2,000	4,000
236.529 Roadway element inductor; height and distance from rail	1,000	2,000	2,000	4,000
236.531 Trip arm; height and distance from rail	1,000	2,000	2,000	4,000
236.532 Strap iron inductor; use restricted	1,000	2,000	2,000	4,000
236.534 Rate of pressure reduction; equalizing reservoir or brake pipe	1,000	2,000	2,000	4,000
236.551 Power supply voltage	1,000	2,000	2,000	4,000
236.552 Insulation resistance	1,000	2,000	2,000	4,000
236.553 Seal, where required	2,500	5,000	5,000	10,000
236.554 Rate of pressure reduction; equalizing reservoir or brake pipe	1,000	2,000	2,000	4,000
236.555 Repaired or rewound receiver coil	1,000	2,000	2,000	4,000
236.556 Adjustment of relay	1,000	2,000	2,000	4,000
236.557 Receiver; location with respect to rail	1,000	2,000	2,000	4,000
236.560 Contact element, mechanical trip type; location with respect to rail	1,000	2,000	2,000	4,000
236.562 Minimum rail current required	1,000	2,000	2,000	4,000
236.563 Delay time	1,000	2,000	2,000	4,000
236.564 Acknowledging time	1,000	2,000	2,000	4,000
236.565 Provision made for preventing operation of pneumatic brake-applying apparatus by double-heading clock; requirement	1,000	2,000	2,000	4,000
236.566 Locomotive of each train operating in train stop, train control or cab signal territory; equipped	5,000	7,500	10,000	15,000
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	10,000	15,000
(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	10,000	15,000
(c) other violations	1,000	2,000	2,000	4,000
236.568 Difference between speeds authorized by roadway signal and cab signal; action	1,000	2,000	2,000	4,000
<i>Inspection and Tests; Roadway—</i>				
236.576 Roadway element	1,000	2,000	2,000	4,000
236.577 Test, acknowledgement, and cut-in circuits	1,000	2,000	2,000	4,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
<i>Inspection and Tests; Locomotive —</i>				
236.586 Daily or after trip test	2,500	5,000	5,000	10,000
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	10,000	15,000
(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	10,000	15,000
(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	10,000	15,000
(d) other violations	2,500	5,000	5,000	10,000
236.588 Periodic test	2,500	5,000	5,000	10,000
236.589 Relays	2,500	5,000	5,000	10,000
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	5,000	10,000
(b) other violations	1,000	2,000	2,000	4,000
Subpart F—Dragging Equipment and Slide Detectors and Other Similar Protective Devices; Standards				
236.601 Signals controlled by devices; location	1,000	2,000	2,000	4,000
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	10,000	15,000
Failure to obtain FRA approval for a modification to RSPP	5,000	7,500	10,000	15,000
236.907 Product Safety Plan (PSP):				
Failure to develop a PSP	5,000	7,500	10,000	15,000
Failure to submit a PSP when required	5,000	7,500	10,000	15,000
236.909 Minimum Performance Standard:				
Failure to make analyses or documentation available	2,500	5,000	5,000	10,000
Failure to determine that the standard has been met	5,000	7,500	10,000	15,000
236.913 Notification to FRA of PSPs:	2,500	5,000	5,000	10,000
Failure to prepare a PSP or PSP amendment as required	5,000	7,500	10,000	15,000
Failure to submit a PSP or PSP amendment as required	5,000	7,500	10,000	15,000
Field testing without authorization or approval	10,000	20,000	20,000	40,000
236.915 Implementation and operation:				
(a) Operation of product without authorization or approval	10,000	20,000	20,000	40,000
(b) Failure to comply with PSP	2,500	5,000	5,000	10,000
(c) Interference with normal functioning safety-critical product	7,500	15,000	15,000	30,000
(d) Failure to determine cause and adjust, repair or replace without undue delay or take appropriate action pending repair	5,000	7,500	10,000	15,000
236.917 Retention of records:				
Failure to maintain records as required	7,500	15,000	15,000	30,000
Failure to report inconsistency	10,000	20,000	20,000	40,000
Failure to take prompt countermeasures	10,000	20,000	20,000	40,000
Failure to provide final report	2,500	5,000	5,000	10,000
236.919 Operations and Maintenance Manual	3,000	6,000	6,000	12,000
236.921 Training and qualification program, general	3,000	6,000	6,000	12,000
236.923 Task analysis and basic requirements:				
Failure to develop an acceptable training program	2,500	5,000	5,000	10,000
Failure to train persons as required	2,500	5,000	5,000	10,000
Failure to conduct evaluation of training program as required	2,500	5,000	5,000	10,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Failure to maintain records as required	1,500	3,000	3,000	6,000
236.925 Training specific to control office personnel	2,500	5,000	5,000	10,000
236.927 Training specific to locomotive engineers and other operating personnel	2,500	5,000	5,000	10,000
236.929 Training specific to roadway workers	2,500	5,000	5,000	10,000
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	32,000	50,000
Commencement of revenue service prior to obtaining PTC System Certification	16,000	25,000	32,000	50,000
Failure of the PTC system to perform a safety-critical function required by this section	5,000	7,500	10,000	15,000
Operating outside the limits of an approved <i>de minimis</i> exception	15,000	25,000	30,000	50,000
Failure to integrate a hazard detector	15,000	25,000	30,000	50,000
Non-compliant event recorder	2,500	5,000	5,000	10,000
Failure of event recorder	2,500	5,000	5,000	10,000
Failure to provide notice, obtain approval, or follow a condition for temporary rerouting when required	5,000	7,500	10,000	15,000
Exceeding the allowed percentage of controlling locomotives operating out of an initial terminal after receiving a failed initialization	5,000	7,500	10,000	15,000
236.1006 Equipping locomotives operating in PTC territory:				
Failure to adhere to a PTCIP.	2	2	2	2
Operating in PTC territory a controlling locomotive without a required and operative PTC onboard apparatus	15,000	25,000	30,000	50,000
Operating with a PTC onboard apparatus that is not functioning in accordance with the applicable PTCSPP.	15,000	25,000	30,000	50,000
Failure to report as prescribed by this section	5,000	7,500	10,000	15,000
Non-compliant operation of unequipped trains in PTC territory	15,000	25,000	30,000	50,000
Failure to equip locomotives in accordance with the applicable PTCIP	15,000	25,000	30,000	50,000
Failure to comply with conditions of a yard movement exception	2	2	2	2
Improper arrangement of the PTC system onboard apparatus	2,500	5,000	5,000	10,000
Engineer performing prohibited duties	5,000	7,500	10,000	15,000
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	30,000	50,000
Operation of passenger trains at speed equal to or greater than 60 mph on non-PTC-equipped territory where required	15,000	25,000	30,000	50,000
Operation of freight trains at speed equal to or greater than 50 mph on non-PTC-equipped territory where required	15,000	25,000	30,000	50,000
Failure to fully implement incursion protection where required	5,000	7,500	10,000	15,000
236.1009 Procedural requirements:				
Failure to file PTCIP when required	5,000	7,500	10,000	15,000
Failure to amend PTCIP when required	5,000	7,500	10,000	15,000
Failure to obtain Type Approval when required	5,000	7,500	10,000	15,000
Failure to update NPI	5,000	7,500	10,000	15,000
Operation of PTC system without system certification	16,000	25,000	32,000	50,000
Failure to comply with FRA condition or modification	2	2	2	2
Failure to report as required	5,000	7,500	10,000	15,000
Failure to provide FRA access	10,000	16,000	20,000	32,000
236.1011 PTCIP content requirements:				
Failure to install a PTC system as required	11,000	16,000	22,000	32,000
Failure to maintain a PTCIP as required	2	2	2	2
236.1013 PTCIP content requirements and Type Approval:				
Failure to maintain quality control system	5,000	7,500	10,000	15,000
Inappropriate use of Type Approval	5,000	7,500	10,000	15,000
236.1015 PTCSPP content requirements and PTC System Certification:				

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Failure to implement PTC system in accordance with the associated PTCSIP and resultant system certification	16,000	25,000	32,000	50,000
Failure to maintain PTC system in accordance with the associated PTCSIP and resultant system certification	16,000	25,000	32,000	50,000
Failure to maintain required supporting documentation	2,500	5,000	5,000	10,000
236.1017 Independent third party Verification and Validation:				
Failure to conduct independent third party Verification and Validation when ordered	11,000	16,000	22,000	32,000
236.1019 Main line track exceptions:				
Operations conducted in non-compliance with the passenger terminal exception	16,000	25,000	32,000	50,000
Operations conducted in non-compliance with the limited operations exception	16,000	25,000	32,000	50,000
Failure to request modification of the PTCSIP or PTCSIP when required	11,000	16,000	22,000	32,000
Operations conducted in violation of (c)(2)	16,000	25,000	32,000	50,000
Operations conducted in violation of (c)(3)	25,000	25,000	50,000	50,000
236.1021 Discontinuances, material modifications, and amendments:				
Failure to update PTCDP when required	5,000	7,500	10,000	15,000
Failure to update PTCSIP when required	5,000	7,500	10,000	15,000
Failure to immediately adopt and comply with approved RFA	5,000	7,500	10,000	15,000
Discontinuance or modification of a PTC system without approval when required	11,000	16,000	22,000	32,000
236.1023 Errors and malfunctions:				
Railroad failure to provide proper notification of PTC system error or malfunction	5,000	7,500	10,000	15,000
Failure to maintain PTCPVL	2,500	5,000	5,000	10,000
Supplier failure to provide proper notification of previously identified PTC system error or malfunction	5,000	7,500	10,000	15,000
Failure to provide timely notification	5,000	7,500	10,000	15,000
Failure to provide appropriate protective measures in the event of PTC system failure	15,000	25,000	30,000	50,000
236.1027 Exclusions:				
Integration of primary train control system with locomotive electronic system without approval	5,000	7,500	10,000	15,000
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	10,000	15,000
Failure to adjust, repair, or replace faulty PTC system component without undue delay	5,000	7,500	10,000	15,000
Failure to take appropriate action pending adjustment, repair, or replacement of faulty PTC system component	15,000	25,000	30,000	50,000
PTC territory operation with an inoperative PTC onboard apparatus	5,000	7,500	10,000	15,000
Interference with the normal functioning of safety-critical PTC system	15,000	25,000	30,000	50,000
236.1033 Communications and security requirements:				
Failure to provide cryptographic message integrity and authentication	5,000	7,500	10,000	15,000
Improper use of revoked cryptographic key	5,000	15,000	10,000	30,000
Failure to protect cryptographic keys from unauthorized disclosure, modification, or substitution	5,000	15,000	10,000	30,000
Failure to establish prioritized service restoration and mitigation plan for communication services	5,000	7,500	10,000	15,000
236.1035 Field testing requirements:				
Field testing without authorization or approval	10,000	20,000	20,000	40,000
Failure to comply with FRA condition	²	²	²	²
236.1037 Records retention:				
Failure to maintain records and databases as required	7,500	15,000	15,000	30,000
Failure to report inconsistency	10,000	20,000	20,000	40,000
Failure to take prompt countermeasures	10,000	20,000	20,000	40,000
Failure to provide final report	2,500	5,000	5,000	10,000
236.1039 Operations and Maintenance Manual:				
Failure to implement and maintain Operations and Maintenance Manual as required	3,000	6,000	6,000	12,000
Failure to make Operations and Maintenance Manual available to FRA when required	10,000	16,000	20,000	32,000
Failure to make Operations and Maintenance Manual available to persons required to performed the required tasks	15,000	25,000	30,000	50,000
Amends Operations and Maintenance Manual without FRA approval	5,000	10,000	10,000	20,000
236.1043 Task analysis and basic requirements:				
Failure to develop and maintain an acceptable training program	10,000	20,000	20,000	40,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Failure to train persons as required	2,500	5,000	5,000	10,000
Failure to conduct evaluation of training program as required	2,500	5,000	5,000	10,000
Failure to maintain records as required	1,500	3,000	3,000	6,000
236.1045 Training specific to office control personnel:				
Failure to conduct training unique to office control personnel	2,500	5,000	5,000	10,000
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	5,000	10,000
236.1049 Training specific to roadway workers:				
Failure to conduct training unique to roadway workers	2,500	5,000	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 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—Bridge Safety Standards-Schedule of Civil Penalties¹

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart B—Railroad Bridge Safety Assurance				
237.31 Adoption of bridge management program	\$9,500	\$17,000	\$ 19,000	\$ 34,000
237.33 Content of bridge management program:				
(a) Inventory of railroad bridges	2,500	5,000	5,000	10,000
(b) Record of safe load capacity	5,500	10,000	11,000	20,000
(c) Provision to obtain and maintain:				
(i) Design documents	5,500	10,000	11,000	20,000
(ii) Documentation of repairs and modifications	2,500	5,000	5,000	10,000
(iii) Inspection reports	2,500	5,000	5,000	10,000
(d) Bridge inspection program content	2,500	5,000	5,000	10,000
Subpart C—Qualification and Designation of Responsible Persons				
237.51 Railroad bridge engineers:				
(a) Competency	5,500	10,000	11,000	20,000
(b) Educational qualification	2,500	5,000	5,000	10,000
237.53 Railroad bridge inspectors	5,500	10,000	11,000	20,000
237.55 Railroad bridge supervisors	5,500	10,000	11,000	20,000
237.57 Designation of individuals	2,500	5,000	5,000	10,000
Subpart D—Capacity of Bridges				
237.71 Determination of bridge load capacities:				
(a) Safe load capacity	5,500	10,000	11,000	20,000
(b) Load capacity documented	5,500	10,000	11,000	20,000
(c) Load capacity determined by a railroad bridge engineer	5,500	10,000	11,000	20,000
(d) Method of load capacity determination	2,500	5,000	5,000	10,000
(e) Prioritization of load capacity determination	2,500	5,000	5,000	10,000
(f) New load capacity determined due to change in condition	2,500	5,000	5,000	10,000
(g) Load capacity stated in terms of weight and length of equipment	2,500	5,000	5,000	10,000
(h) Restriction on operations by railroad bridge engineer	5,500	10,000	11,000	20,000
237.73 Protection of bridges from over-weight and over-dimension equipment:				
(a) Instructions issued	5,500	10,000	11,000	20,000
(b) Weight instructions	2,500	5,000	5,000	10,000
(c) Dimensional instructions	2,500	5,000	5,000	10,000
(d) Incorrect instructions issued	2,500	5,000	5,000	10,000
Subpart E—Bridge Inspection				
237.101 Scheduling of bridge inspections:				
(a) Scheduling:				

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(i) Failure to inspect	9,500	17,000	19,000	34,000
(ii) Inspection within calendar year	2,500	5,000	5,000	10,000
(iii) Inspection frequency exceeding 540 days	2,500	5,000	5,000	10,000
(b) Increased inspection frequency	5,500	10,000	11,000	20,000
(c) Special inspections	2,500	5,000	5,000	10,000
(d) Resumption of railroad operations prior to inspection & review	9,500	17,000	19,000	34,000
237.103 Bridge inspection procedures	2,500	5,000	5,000	10,000
237.105 Special inspections:				
(a) Procedures to protect train operations and requiring special inspections	2,500	5,000	5,000	10,000
(b) Provision for the detection of scour or underwater deterioration	2,500	5,000	5,000	10,000
237.107 Conduct of bridge inspections	5,500	10,000	11,000	20,000
237.109 Bridge inspection records:				
(a) Record of inspection	2,500	5,000	5,000	10,000
(b) Inspection record:				
(i) Certification and date	2,500	5,000	5,000	10,000
(ii) Falsification		17,000		34,000
(c) Inspection record information	2,500	5,000	5,000	10,000
(d) Initial report within 30 days	2,500	5,000	5,000	10,000
(e) Final inspection report within 120 calendar days	2,500	5,000	5,000	10,000
(f) Retention	2,500	5,000	5,000	10,000
(g) Prompt reporting of dangerous conditions	5,500	10,000	11,000	20,000
237.111 Review of bridge inspection reports.				
(a) Review by railroad bridge engineers and supervisors	2,500	5,000	5,000	10,000
(b) Appropriate action concerning present or potential safety hazards	5,500	10,000	11,000	20,000
(c) Modification of inspection frequency or procedures	2,500	5,000	5,000	10,000
(d) Scheduling remedial action	2,500	5,000	5,000	10,000
(e) Higher-level review	2,500	5,000	5,000	10,000
Subpart F—Repair and Modification of Bridges				
237.131 Design	5,500	10,000	11,000	20,000
237.133 Supervision of repairs and modifications	5,500	10,000	11,000	20,000
Subpart G—Documentation, Records and Audits of Bridge Management Programs				
237.151 Audits; general	2,500	5,000	5,000	10,000
237.153 Audits of inspections	2,500	5,000	5,000	10,000
237.155 Documents and records:				
(a) Electronic recordkeeping, general	2,500	5,000	5,000	10,000
(b) System security	2,500	5,000	5,000	10,000

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
----------------------	---------------------	--------------------------------	--	--

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—Passenger Equipment Safety Standards-Schedule of Civil Penalties^{1,2}

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
SUBPART A—GENERAL				
238.15 Movement of power brake defects:				
(b) Improper movement from Class I or IA brake test	\$ 5,000	\$ 7,500	\$ 10,000	\$ 15,000
(c) Improper movement of en route defect	2,500	5,000	5,000	10,000
(2), (3) Insufficient tag or record	1,000	2,000	2,000	4,000
(4) Failure to determine percent operative brake	2,500	5,000	5,000	10,000
(d) Failure to follow operating restrictions	5,000	7,500	10,000	15,000
(e) Failure to follow restrictions for inoperative front or rear unit	2,500	5,000	5,000	10,000
238.17 Movement of other than power brake defects: ¹				
(c)(4), (5) Insufficient tag or record	1,000	2,000	2,000	4,000
(d) Failure to inspect or improper use of roller bearings	2,500	5,000	5,000	10,000
(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	15,000	22,000
(b) Failure to retain records	2,000	4,000	4,000	8,000
(c) Failure to make records available	1,000	2,000	2,000	4,000
(d) Failure to list power brake repair points	2,000	4,000	4,000	8,000
SUBPART B—SAFETY PLANNING AND GENERAL REQUIREMENTS				
238.103 Fire protection plan/fire safety:				
(a) Failure to use proper materials	5,000	7,500	10,000	15,000
(b) Improper certification	1,000	2,000	2,000	4,000
(c) Failure to consider fire safety on new equipment	5,000	7,500	10,000	15,000
(d) Failure to perform fire safety analysis	5,000	7,500	10,000	15,000
(e) Failure to develop, adopt or comply with procedures	5,000	7,500	10,000	15,000
238.105 Train electronic hardware and software safety:				
(a), (b), (c) Failure to develop and maintain hardware and software safety	7,500	11,000	15,000	22,000
(d) Failure to include required design features	5,000	7,500	10,000	15,000
(e) Failure to comply with hardware and software safety program	5,000	7,500	10,000	15,000
238.107 Inspection, testing, and maintenance plan:				
(b) Failure to develop plan	7,500	11,000	15,000	22,000
(b)(1)-(5) Failure of plan to address specific item	3,000	6,000	6,000	12,000
(d) Failure to conduct annual review	5,000	7,500	10,000	15,000
238.109 Training, qualification, and designation program:				
(a) Failure to develop or adopt program	7,500	11,000	15,000	22,000
(b)(1)-(4) Failure of plan to address specific item	3,000	6,000	6,000	12,000
(b)(5)-(12) Failure to comply with specific required provision of the program	5,000	7,500	10,000	15,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(b)(13) Failure to maintain adequate records	2,500	5,000	5,000	10,000
238.111 Pre-revenue service acceptance testing plan:				
(a) Failure to properly test previously used equipment	7,500	11,000	15,000	22,000
(b)(1) Failure to develop plan	7,500	11,000	15,000	22,000
(b)(2) Failure to submit plan to FRA	5,000	7,500	10,000	15,000
(b)(3) Failure to comply with plan	5,000	7,500	10,000	15,000
(b)(4) Failure to document results of testing	5,000	7,500	10,000	15,000
(b)(5) Failure to correct safety deficiencies or impose operating limits	5,000	7,500	10,000	15,000
(b)(6) Failure to maintain records	3,000	6,000	6,000	12,000
(b)(7) Failure to obtain FRA approval	5,000	7,500	10,000	15,000
238.112 Door emergency egress and rescue access systems	2,500	5,000	5,000	10,000
238.113 Emergency window exits	2,500	5,000	5,000	10,000
238.114 Rescue access windows	2,500	5,000	5,000	10,000
238.115 Emergency lighting	2,500	5,000	5,000	10,000
238.117 Protection against personal injury	2,500	5,000	5,000	10,000
238.119 Rim-stamped straight plate wheels	2,500	5,000	5,000	10,000
238.121 Emergency communication	2,500	5,000	5,000	10,000
238.123 Emergency roof access	2,500	5,000	5,000	10,000
238.125 Marking and instructions for emergency egress and rescue access	2,500	5,000	5,000	10,000
238.127 Low-location emergency exit path marking	2,500	5,000	5,000	10,000
238.131 Exterior side door safety systems—new passenger cars and locomotives used in passenger service	10,000	15,000	20,000	30,000
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	5,000	10,000
(a)(2) Failure to provide functional test plan	5,000	7,500	10,000	15,000
(a)(3) Failure to perform visual inspection or functional test	2,500	5,000	5,000	10,000
(b) Unsealed door by-pass device:				
(b)(1) Door by-pass device not inactive, sealed, or seal ineffective	2,500	5,000	5,000	10,000
(b)(2) Failure to notify designated authority	5,000	7,500	10,000	15,000
(b)(3) Movement beyond repair point	7,500	11,000	15,000	22,000
(b)(4) Door by-pass device not sealed by QMP at calendar day inspection	2,500	5,000	5,000	10,000
(c)(1) Failure to follow en route by-pass activation procedures; improper movement of defective equipment	7,500	11,000	15,000	22,000
(c)(2) Failure to use QMP	5,000	7,500	10,000	15,000
(d) Failure to maintain record	2,000	4,000	4,000	8,000
(e) Door control panel not inactive when the key or other similar device is removed	5,000	7,500	10,000	15,000
(f) End-of-train circuit:				
(f)(1) End-of-train circuit integrity not maintained	5,000	7,500	10,000	15,000
(f)(2) Switches not secured to prevent unauthorized access	2,500	5,000	5,000	10,000
(g) Door by-pass device not inactive, sealed or seal ineffective	2,500	5,000	5,000	10,000
238.135 Operating practices for exterior side door safety systems:				

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(a) Failure to conduct proper safety briefing	7,500	11,000	15,000	22,000
(b)(1) Exterior side doors and trap doors not closed when a train is in motion between stations	10,000	15,000	20,000	30,000
(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	20,000	30,000
(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	19,000	26,000
(e) Failure to provide training	9,500	13,000	19,000	26,000
(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	19,000	26,000
(g) Failure to periodically conduct operational (efficiency) tests and observations	9,500	13,000	19,000	26,000
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	10,000	15,000
(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	19,000	26,000
SUBPART C—SPECIFIC REQUIREMENTS FOR TIER I EQUIPMENT				
238.203 Static end strength	2,500	5,000	5,000	10,000
238.205 Anti-climbing mechanism	2,500	5,000	5,000	10,000
238.207 Link between coupling mechanism and car body	2,500	5,000	5,000	10,000
238.209 Forward-facing end structure of locomotives	2,500	5,000	5,000	10,000
238.211 Collision posts	2,500	5,000	5,000	10,000
238.213 Corner posts	2,500	5,000	5,000	10,000
238.215 Rollover strength	2,500	5,000	5,000	10,000
238.217 Side structure	2,500	5,000	5,000	10,000
238.219 Truck-to-car-body attachment	2,500	5,000	5,000	10,000
238.221 Glazing	2,500	5,000	5,000	10,000
238.223 Fuel tanks	2,500	5,000	5,000	10,000
238.225 Electrical System	2,500	5,000	5,000	10,000
238.227 Suspension system	2,500	5,000	5,000	10,000
238.229 Safety appliances—general:				
(e) Failure to properly identify equipment (per car)	2,500	5,000	5,000	10,000
(g) Failure to adopt or comply with inspection plan	2,500	5,000	5,000	10,000
(h) Failure to use qualified person (per car)	2,500	5,000	5,000	10,000
(i) Failure to properly conduct initial or periodic inspection (per car)	2,500	5,000	5,000	10,000
(j) Failure to take proper remedial action (per car)	2,500	5,000	5,000	10,000
(k) Failure to maintain records (per car)	2,000	4,000	4,000	8,000
238.230 Safety appliances—new equipment:				
(b)(2) Failure to identify welded appliance (per car)	2,500	5,000	5,000	10,000
(b)(3) Failure to receive approval for use (per car)	2,500	5,000	5,000	10,000
(c)(2) Failure to make proper repair (per car)	2,500	5,000	5,000	10,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
238.231 Brake System (a)-(g), (i)-(n)	2,500	5,000	5,000	10,000
(h)(1), (2) Hand or parking brake missing or inoperative	5,000	7,500	10,000	15,000
(h)(3) Hand or parking brake inspection or record (per car)	2,500	5,000	5,000	10,000
(h)(4) Hand or parking brake not applied to hold unattended equipment or prematurely released	5,000	7,500	10,000	15,000
238.233 Interior fittings and surfaces	2,500	7,500	5,000	15,000
238.237 Automated monitoring	2,500	5,000	5,000	10,000
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	4,000	8,000
(a)(2) Failure to inspect secondary brake system	2,500	5,000	5,000	10,000
(b) Failure to perform inspection on car added to train ¹	2,000	4,000	4,000	8,000
(c) Failure to utilize properly qualified personnel	2,000	4,000	4,000	8,000
(e)(1) Products of combustion not released outside cab	2,500	5,000	5,000	10,000
(e)(2) Battery not vented or gassing excessively	2,500	5,000	5,000	10,000
(e)(3) Coupler not in proper condition	2,500	5,000	5,000	10,000
(e)(4) No device under drawbar pins or connection pins	2,500	5,000	5,000	10,000
(e)(5) Suspension system and spring rigging not in proper condition	2,500	5,000	5,000	10,000
(e)(6) Truck not in proper condition	2,500	5,000	5,000	10,000
(e)(7) Side bearing not in proper condition	2,500	5,000	5,000	10,000
(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	5,000	10,000
(B) One spot 3" or more in length	5,000	7,500	10,000	15,000
(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	5,000	10,000
(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	10,000	15,000
(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	5,000	10,000
(B) 1 5/8" or more in length and 5/8" or more in width	5,000	7,500	10,000	15,000
(iii) Broken rim	5,000	7,500	10,000	15,000
(v) Seam in tread	2,500	5,000	5,000	10,000
(vi) Flange thickness of:	2,500	5,000	5,000	10,000
(A) 7/8" or less but more than				
(B) 13/16" or less	5,000	7,500	10,000	15,000
(vii) Tread worn hollow	2,500	5,000	5,000	10,000
(viii) Flange height of:				
(A) 1 1/2" or greater but less than 1 5/8"	2,500	5,000	5,000	10,000
(B) 1 5/8" or more	5,000	7,500	10,000	15,000
(ix) Rim thickness:				

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(A) Less than 1"	2,500	5,000	5,000	10,000
(B) 15/16" or less	5,000	7,500	10,000	15,000
(x) Crack or break in flange, tread, rim, plate, or hub:				
(A) Crack of less than 1"	2,500	5,000	5,000	10,000
(B) Crack of 1" or more	5,000	7,500	10,000	15,000
(C) Break	5,000	7,500	10,000	15,000
(xi) Loose wheel	5,000	7,500	10,000	15,000
(xii) Welded wheel	5,000	7,500	10,000	15,000
(e)(10) Improper grounding or insulation	5,000	7,500	10,000	15,000
(e)(11) Jumpers or cable connections not in proper condition	2,500	5,000	5,000	10,000
(e)(12) Door or cover plate not properly marked	2,500	5,000	5,000	10,000
(e)(13) Buffer plate not properly placed	2,500	5,000	5,000	10,000
(e)(14) Diaphragm not properly placed or aligned	2,500	5,000	5,000	10,000
(e)(15) Secondary braking system not in operating mode or contains known defect	2,500	5,000	5,000	10,000
(e)(16) Roller bearings:				
(i) Overheated	5,000	7,500	10,000	15,000
(ii) Cap screw loose or missing	2,500	5,000	5,000	10,000
(iii) Cap screw lock broken or missing	1,000	2,000	2,000	4,000
(iv) Seal loose, damaged, or leaks lubricant	2,500	5,000	5,000	10,000
(e)(17) Air compressor inoperative	2,500	5,000	5,000	10,000
(g) Record of inspection:				
(1), (4) Failure to maintain record of inspection	5,000	4,000	10,000	8,000
(2) Record contains insufficient information	1,000	2,000	2,000	4,000
238.305 Interior mechanical inspection of passenger cars:				
(a) Failure to perform inspection ¹	1,000	2,000	2,000	4,000
(b) Failure to utilize properly qualified personnel	1,000	2,000	2,000	4,000
(c)(1) Failure to protect against personal injury	2,500	5,000	5,000	10,000
(c)(2) Floors not free of condition that creates hazard	2,500	5,000	5,000	10,000
(c)(3) Access to manual door release not in place	2,000	4,000	4,000	8,000
(c)(4) Emergency equipment not in place	1,000	2,000	2,000	4,000
(c)(5) Emergency brake valve not stenciled or marked	2,500	5,000	5,000	10,000
(c)(6) Door or cover plates not properly marked	2,500	5,000	5,000	10,000
(c)(7) Safety signage not in place or legible	1,000	2,000	2,000	4,000
(c)(8) Trap door unsafe or improperly secured	2,500	5,000	5,000	10,000
(c)(9) Vestibule steps not illuminated	2,000	4,000	4,000	8,000
(c)(10) Door not safely operate as intended	2,500	5,000	5,000	10,000
(c)(11) Seat broken, loose, or not properly attached	2,500	5,000	5,000	10,000
(e) Record of inspection:				
(1), (4) Failure to maintain record of inspection	2,000	4,000	4,000	8,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(2) Record contains insufficient information	1,000	1,000	2,000	2,000
(f) Record of inspection:				
(1), (4) Failure to maintain record of inspection	2,000	4,000	4,000	8,000
(2) Record contains insufficient information	1,000	2,000	2,000	4,000
238.307 Periodic mechanical inspection of passenger cars and unpowered vehicles:				
(a) Failure to perform periodic mechanical inspection ¹	2,500	5,000	5,000	10,000
(b) Failure to utilize properly qualified personnel	2,500	5,000	5,000	10,000
(c)(1) Seat or seat attachment broken or loose	2,500	5,000	5,000	10,000
(c)(2) Luggage rack broken or loose	2,500	5,000	5,000	10,000
(c)(3) Bed, bunks, or restraints broken or loose	2,500	5,000	5,000	10,000
(c)(4) Emergency window exit not properly operate	2,500	5,000	5,000	10,000
(c)(5) Emergency lighting not operational	2,500	5,000	5,000	10,000
(c)(6) Switches not in proper condition	2,500	5,000	5,000	10,000
(c)(7) Coupler not in proper condition	2,500	5,000	5,000	10,000
(c)(8) Truck not equipped with securing arrangement	2,500	5,000	5,000	10,000
(c)(9) Truck center casting cracked or broken	5,000	7,500	10,000	15,000
(c)(10) General conditions endangering crew, passengers	2,500	5,000	5,000	10,000
(c)(13) Hand or parking brake test not performed	2,500	5,000	5,000	10,000
(d)(1) Manual door release not operate as intended	2,500	5,000	5,000	10,000
(d)(2) Hand or parking brake inspection not performed	2,500	5,000	5,000	10,000
(e)(1) Failure to maintain record of inspection	2,000	4,000	4,000	8,000
(i)-(iv) Record contains insufficient information	1,000	2,000	2,000	4,000
(f)(1) Record of inspection:				
(i) Failure to maintain record of inspection	2,000	4,000	4,000	8,000
(ii) Record contains insufficient information	1,000	2,000	2,000	4,000
238.309 Periodic brake equipment maintenance:				
(b) Failure to perform on MU locomotive	2,500	5,000	5,000	10,000
(c) Failure to perform on conventional locomotive	2,500	5,000	5,000	10,000
(d) Failure to perform on passenger coaches or other unpowered vehicle	2,500	5,000	5,000	10,000
(e) Failure to perform on cab car	2,500	5,000	5,000	10,000
(f) Record of periodic maintenance:				
(1), (2) Failure to maintain record or stencil	2,000	4,000	4,000	8,000
238.311 Single car tests:				
(a) Failure to test in accord with required procedure	2,500	5,000	5,000	10,000
(b) Failure to utilize properly qualified personnel	2,500	5,000	5,000	10,000
(c), (e) Failure to perform single car test	2,500	5,000	5,000	10,000
(f) Improper movement of car for testing	2,000	4,000	4,000	8,000
(g) Failure to test after repair or replacement of component	2,000	4,000	4,000	8,000
238.313 Class I brake test:				

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(a) Failure to perform on commuter or short distance intercity passenger train ¹	10,000	15,000	20,000	30,000
(b) Failure to perform on long-distance intercity passenger train ¹	10,000	15,000	20,000	30,000
(c) Failure to perform on cars added to passenger train ¹	5,000	7,500	10,000	15,000
(d) Failure to utilized properly qualified personnel	5,000	7,500	10,000	15,000
(f) Passenger train used from Class I brake test with less than 100% operative brakes	5,000	7,500	10,000	15,000
(g) Partial failure to perform inspection on a passenger train	5,000	7,500	10,000	15,000
(3) Failure to adjust piston travel (per car)	2,500	5,000	5,000	10,000
(h) Failure to maintain record	2,000	4,000	4,000	8,000
(j) Failure to perform additional Class I brake test	5,000	7,500	10,000	15,000
(j)(3) Failure to maintain record	2,000	4,000	4,000	8,000
238.315 Class IA brake test:				
(a) Failure to perform inspection ¹	5,000	7,500	10,000	15,000
(d) Failure to utilize properly qualified personnel	2,500	5,000	5,000	10,000
(e) Passenger train used from Class IA brake test with improper percentage of operative brakes	5,000	7,500	10,000	15,000
(f) Partial failure to perform inspection on passenger train	2,500	5,000	5,000	10,000
238.317 Class II brake test:				
(a) Failure to perform inspection ¹	2,500	5,000	5,000	10,000
(b) Failure to utilize properly qualified personnel	2,500	5,000	5,000	10,000
(c) Improper use of defective equipment from Class II brake test	2,500	5,000	5,000	10,000
238.319 Running brake tests:				
(a), (b) Failure to perform test	2,000	4,000	4,000	8,000
238.321 Out-of-service credit	1,000	2,000	2,000	4,000
SUBPART E—SPECIFIC REQUIREMENTS FOR TIER II PASSENGER EQUIPMENT				
238.403 Crash energy management	2,500	5,000	5,000	10,000
238.405 Longitudinal static compressive strength	2,500	5,000	5,000	10,000
238.407 Anti-climbing mechanism	2,500	5,000	5,000	10,000
238.409 Forward end structures of power car cabs:				
(a) Center collision post	2,500	5,000	5,000	10,000
(b) Side collision posts	2,500	5,000	5,000	10,000
(c) Corner posts	2,500	5,000	5,000	10,000
(d) Skin	2,500	5,000	5,000	10,000
238.411 Rear end structures of power car cabs:				
(a) Corner posts	2,500	5,000	5,000	10,000
(b) Collision posts	2,500	5,000	5,000	10,000
238.413 End structures of trailer cars	2,500	5,000	5,000	10,000
238.415 Rollover strength	2,500	5,000	5,000	10,000
238.417 Side loads	2,500	5,000	5,000	10,000
238.419 Truck-to-car-body and truck component attachment	2,500	5,000	5,000	10,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
238.421 Glazing:				
(b) End-facing exterior glazing	2,500	5,000	5,000	10,000
(c) Alternate glazing requirements	2,500	5,000	5,000	10,000
(d) Glazing securement	1,000	2,000	2,000	4,000
(e) Stenciling	2,500	5,000	5,000	10,000
238.423 Fuel tanks:				
(a) External fuel tanks	2,500	5,000	5,000	10,000
(b) Internal fuel tanks	2,500	5,000	5,000	10,000
238.425 Electrical system:				
(a) Circuit protection	2,500	5,000	5,000	10,000
(b) Main battery system	2,500	5,000	5,000	10,000
(c) Power dissipation resistors	2,500	5,000	5,000	10,000
(d) Electromagnetic interference and compatibility	2,500	5,000	5,000	10,000
238.427 Suspension system	2,500	5,000	5,000	10,000
238.428 Overheat sensors	2,500	5,000	5,000	10,000
238.429 Safety Appliances:				
(a) Couplers	5,000	7,500	10,000	15,000
(b) Hand/parking brakes	5,000	7,500	10,000	15,000
(d) Handrail and handhold missing	2,500	5,000	5,000	10,000
(d)(1)-(8) Handrail or handhold improper design	2,500	5,000	5,000	10,000
(e) Sill step missing	5,000	7,500	10,000	15,000
(e)(1)-(11) Sill step improper design	2,500	5,000	5,000	10,000
(g) Optional safety appliances	2,500	5,000	5,000	10,000
238.431 Brake system	2,500	5,000	5,000	10,000
238.433 Draft System	2,500	5,000	5,000	10,000
238.435 Interior fittings and surfaces	2,500	5,000	5,000	10,000
238.437 [Reserved]				
238.439 Doors:				
(a) Exterior side doors	2,500	5,000	5,000	10,000
(b) Manual override feature	2,500	5,000	5,000	10,000
(c) Notification to crew of door status	2,500	5,000	5,000	10,000
(d) Emergency back-up power	2,500	5,000	5,000	10,000
(f) End door kick-out panel or pop-out window	2,500	5,000	5,000	10,000
(g) Marking and instructions [Reserved]				
238.441 Emergency roof access	2,500	5,000	5,000	10,000
238.443 Headlights	2,500	5,000	5,000	10,000
238.445 Automated monitoring	2,500	5,000	5,000	10,000
238.447 Train operator's controls and power car cab layout	2,500	5,000	5,000	10,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
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	20,000	30,000
(b) Failure to comply with provisions of the program	5,000	7,500	10,000	15,000
(c) Failure to ensure equipment free of conditions which endanger safety of crew, passengers, or equipment	2,500	5,000	5,000	10,000
(d) Specific safety inspections:				
(1)(i) Failure to perform Class I brake test or equivalent	10,000	15,000	20,000	30,000
(1)(ii) Partial failure to perform Class I brake test or equivalent	5,000	7,500	10,000	15,000
(2)(i) Failure to perform exterior mechanical inspection ¹	2,000	4,000	4,000	8,000
(2)(ii) Failure to perform interior mechanical inspection ¹	1,000	2,000	2,000	4,000
(g) Failure to perform scheduled maintenance as required in program	2,500	5,000	5,000	10,000
(h) Failure to comply with training, qualification and designation program	5,000	7,500	10,000	15,000
(i) Failure to develop or comply with standard procedures for performing inspection, tests, and maintenance	2,500	5,000	5,000	10,000
(j) Failure to conduct annual review	5,000	7,500	10,000	15,000
(k) Failure to establish or utilize quality control program	5,000	7,500	10,000	15,000
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	15,000	22,000
(b) Failure to develop procurement plan	7,500	11,000	15,000	22,000
(1)-(7) Failure to develop portion of plan	2,500	5,000	5,000	10,000
(c) Failure to maintain documentation	2,500	5,000	5,000	10,000
SUBPART H—SPECIFIC REQUIREMENTS FOR TIER III PASSENGER EQUIPMENT				
238.703 Quasi-static compression load requirements	2,500	5,000	5,000	10,000
238.705 Dynamic collision scenario	2,500	5,000	5,000	10,000
238.707 Override protection	2,500	5,000	5,000	10,000
238.709 Fluid entry inhibition	2,500	5,000	5,000	10,000
238.711 End structure integrity of cab end	2,500	5,000	5,000	10,000
238.713 End structure integrity of non-cab end	2,500	5,000	5,000	10,000
238.715 Roof and side structure integrity	2,500	5,000	5,000	10,000
238.717 Truck-to-car-body attachment	2,500	5,000	5,000	10,000
238.721 Glazing	2,500	5,000	5,000	10,000
238.731 Brake system	2,500	5,000	5,000	10,000
238.733 Interior fixture attachment	2,500	5,000	5,000	10,000
238.735 Seat crashworthiness	2,500	5,000	5,000	10,000
238.737 Luggage racks	2,500	5,000	5,000	10,000
238.741 Emergency window egress and rescue access	2,500	5,000	5,000	10,000
238.751 Alerters	2,500	5,000	5,000	10,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
238.753 Sanders	1,000	2,000	2,000	4,000

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 \$34,401 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; 84 FR 37059, July 31, 2019; 86 FR 1745, Jan. 11, 2021; 86 FR 23241, May 3, 2021; 87 FR 15839, Mar. 21, 2022; 88 FR 1114, Jan. 6, 2023]

Part 239—Passenger Train Emergency Preparedness-Schedule of Civil Penalties¹

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart B—Specific Requirements:				
239.101(a) Failure of a railroad to adopt a written or electronic emergency preparedness plan	\$ 7,500	\$ 11,000	\$ 15,000	\$ 22,000
(a)(1) Failure of the plan to provide for:				
(i) Initial or on-board notifications by an on-board crewmember	2,500	5,000	5,000	10,000
(ii) Notification of outside emergency responders by control center or ERCC	2,500	5,000	5,000	10,000
(iii) Failure to designate employee responsible for maintaining current emergency telephone numbers for use in notifications	2,500	5,000	5,000	10,000
(a)(2) Failure of the plan to provide for:				
(i) Initial or periodic training of on-board personnel	2,500	5,000	5,000	10,000
(ii) Initial or periodic training of control center and ERCC personnel	2,500	5,000	5,000	10,000
(iii) Completion of initial training of each on-board, control center, and ERCC personnel by the specified date	2,500	5,000	5,000	10,000
(iv) Completion of initial training of each newly-hired on-board, control center, and ERCC personnel by the specified date	2,500	5,000	5,000	10,000
(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	5,000	10,000
(vi) Adequate on-board staffing	2,500	5,000	5,000	10,000
(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	6,000	12,000
(a)(4) Failure of the plan to address:				
(i) Readiness procedures for emergencies in tunnels	2,500	5,000	5,000	10,000
(ii) Readiness procedures for emergencies on an elevated structure or in electrified territory	2,500	5,000	5,000	10,000
(iii) Coordination efforts involving adjacent rail modes of transportation	2,500	5,000	5,000	10,000
(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	6,000	12,000
(ii) Invitations to emergency responders to participate in emergency simulations	3,000	6,000	6,000	12,000
(iii) Distribution of applicable portions of the current emergency preparedness plan	3,000	6,000	6,000	12,000
(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	5,000	10,000
(ii) First-aid kits	2,500	5,000	5,000	10,000
(iii) Emergency lighting	2,500	5,000	5,000	10,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(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	7,000	14,000
(a)(8) Failure of the plan to include procedures promoting the safety of passengers with disabilities	2,500	5,000	5,000	10,000
239.103 Failure to conduct a required full-scale simulation in accordance with the frequency schedule	5,000	7,500	10,000	15,000
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	8,000	15,000
(c) Failure to design the debrief and critique session to determine the five items specified	2,500	5,000	5,000	10,000
(d)(1) Failure to maintain a record	2,500	5,000	5,000	10,000
(i) Failure to include date or location of the emergency or simulation	1,000	2,000	2,000	4,000
(ii) Failure to include date or location of the debriefing and critique session	1,000	2,000	2,000	4,000
(iii) Failure to include names of participants in the debriefing and critique session	1,000	2,000	2,000	4,000
(d)(2) Failure to make record available	1,000	2,000	2,000	4,000
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	10,000	15,000
(ii) Failure to designate a primary person to contact for plan review	1,000	2,000	2,000	4,000
(iii) Failure of a railroad to file an amendment to its plan	2,500	5,000	5,000	10,000
(iv) Failure of a railroad to file a summary of an amendment to its plan	1,000	2,000	2,000	4,000
(b)(1), (b)(2):				
(i) Failure of a railroad to correct a plan deficiency	2,500	5,000	5,000	10,000
(ii) Failure to provide FRA with a corrected copy of the plan	1,000	2,000	2,000	4,000
(b)(3):				
(i) Failure of a railroad to correct an amendment deficiency	2,500	5,000	5,000	10,000
(ii) Failure to file a corrected plan amendment with FRA	1,000	1,000	2,000	2,000
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	5,000	10,000
(2) Failure to make record available	1,000	2,000	2,000	4,000
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	5,000	10,000
(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	10,000	15,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(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	5,000	10,000
(b)(1) Failure to maintain a record	2,500	5,000	5,000	10,000
(b)(2) Record improperly completed	1,000	1,000	2,000	2,000
(c)(1), (d)(1), (e)(2), (f)(1): Failure to retain a copy of the record	2,500	5,000	5,000	10,000
(c)(2), (d)(2), (e)(3), (f)(2): Failure to make record available	1,000	2,000	2,000	4,000
(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	8,000	15,000
239.303 Electronic recordkeeping				
(a) Insufficient limits or controls on accessibility to records	2,500	5,000	5,000	10,000
(b) Missing terminal	1,000	2,000	2,000	4,000
(c) Inability of railroad to produce information in a usable format for immediate review	1,000	2,000	2,000	4,000
(d) Failure by railroad to designate an authorized representative	1,000	2,000	2,000	4,000
(e) Failure to make record available	1,000	2,000	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.

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]

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)	Base Range (Low)	Base Range (High)	Base Range Low (Willful)	Base Range High (Willful)	Updated Range (Low)	Updated Range (High)	Updated Range Low (Willful)	Updated Range High (Willful)
240.221—Identification of qualified persons:												
(a)-(c) Failure to have a record	2,500	5,000	5,000	10,000								
(d) Failure to:												
(1) Update a record	2,000	4,000	4,000	8,000								
(2)-(3) Make a record available	2,000	4,000	4,000	8,000								
(e) Knowingly or willfully making false entry, or other falsification		10,000		20,000								
(f) Records system not maintained as required	5,000	7,500	10,000	15,000								
240.223—Certificate criteria:												
(a) Improper certificate	1,000	2,000	2,000	4,000								
(b) Failure to designate those with signatory authority	1,000	2,000	2,000	4,000								
(d) Falsification of certificate		10,000		20,000								
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	10,000	15,000								
(b) Failure to properly make determinations	5,000	7,500	10,000	15,000								
240.227—Railroad relying on requirements of a different country (Canada):												
(a) Joint operator reliance:												
(1) On person not employed	5,000	7,500	10,000	15,000								
(2) On person who fails to meet Canadian requirements	5,000	7,500	10,000	15,000								
(b) Canadian railroad reliance:												
(1) On person not employed	5,000	7,500	10,000	15,000								
(2) On person who fails to meet Canadian requirements	5,000	7,500	10,000	15,000								
240.229—Requirements for joint operations territory:												
(a)-(d) Allowing uncertified person to operate or certifying improperly	7,500	15,000	15,000	30,000								
(c)(3) Failure to notify the railroad if unqualified		5,000		10,000								
(e)-(f) Failure to provide qualified person or incorrect determination of an exception	5,000	7,500	10,000	15,000								
240.231—Requirements for engineers unfamiliar with physical characteristics in other than joint operations:												
(a) Person unqualified, no exception applies or railroad does not adequately address in program	7,500	15,000	15,000	30,000								
(b) Failure to have a pilot:												
(1) for engineer who has never been qualified	7,500	15,000	15,000	30,000								
(2) for engineer previously qualified	5,000	7,500	10,000	15,000								
Subpart D—Program Administration												
240.301—Replacement of certificates:												
(a) Failure to have system for certificate replacement or system not reasonably accessible to engineers	5,000	7,500	10,000	15,000								
(b) Failure to properly issue temporary replacement certificate	2,000	4,000	4,000	8,000								
240.303—Operational monitoring requirements:												
(a) Failure to have program for observations or unannounced tests	5,000	10,000	10,000	20,000								
(b) Failure to observe a person in a calendar year	1,000	2,000	2,000	4,000								
(c) Failure to test a person in a calendar year	1,000	2,000	2,000	4,000								
(d) Failure to test properly	1,000	2,000	2,000	4,000								
240.305—Prohibited conduct:												
(a) Unlawful:												
(1) Passing of stop signal	2,500	5,000	5,000	10,000								
(2) Control of speed	2,500	5,000	5,000	10,000								
(3) Brake tests	2,500	5,000	5,000	10,000								
(4) Occupancy of main track	2,500	5,000	5,000	10,000								
(a)(5) Tampering or operating with unauthorized disabled safety device	2,500	5,000	5,000	10,000								
(a)(6) Supervisor, pilot, or instructor fails to take appropriate action	2,500	5,000	5,000	10,000								
(b) Failure of engineer to:												
(1) possess certificate while on duty as an engineer	1,000	2,000	2,000	4,000								
(2) display certificate when requested	1,000	2,000	2,000	4,000								
(c) Failure of engineer to notify railroad of limitations or railroad requiring engineer to exceed limitations	4,000	8,000	8,000	16,000								
(d) Failure of engineer to notify railroad of denial or revocation	4,000	8,000	8,000	16,000								
240.307—Revocation of certification:												
(a) Failure to revoke certification	7,500	10,000	15,000	20,000								
(b) Failure to comply with suspension, hearing, and revocation procedures	2,500-5,000	5,000-10,000	5,000-10,000	10,000-20,000	2,500	5,000	5,000	10,000	5,000	10,000	10,000	20,000
(c)-(g) Failure of railroad to comply with hearing or waiver procedures	2,500-5,000	5,000-10,000	5,000-10,000	10,000-20,000	2,500	5,000	5,000	10,000	5,000	10,000	10,000	20,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)	Base Range (Low)	Base Range (High)	Base Range Low (Willful)	Base Range High (Willful)	Updated Range (Low)	Updated Range (High)	Updated Range Low (Willful)	Updated Range High (Willful)
(h) Failure to credit suspension period toward revocation period	2,000	4,000	4,000	8,000								
(j) Failure of railroad to place relevant information in records	2,500	5,000	5,000	10,000								
(k) Failure of railroad to conduct reasonable inquiry or make good faith determination	7,500	10,000	15,000	20,000								
240.308—Multiple certifications:												
(c) Engineer is not a certified conductor and no assigned certified conductor in or attached to train crew	7,500	10,000	15,000	20,000								
(d) Procedure not followed when conductor removed from passenger train	7,500	10,000	15,000	20,000								
(e) Certified person fails to notify a railroad of denial or revocation by another railroad		5,000		10,000								
(f), (i) Performing work as an engineer or obtaining an engineer certificate while a conductor certificate is revoked for a violation of 242.403(e)(1)-(e)(5) or (e)(12)	7,500	15,000	15,000	30,000								
(g)-(h) Performing work as a conductor or obtaining a conductor certificate while an engineer certificate is revoked under 240.307	7,500	15,000	15,000	30,000								
(j) Denying or revoking engineer certification or recertification based solely on the denial of conductor certification	4,000	8,000	8,000	16,000								
(k) Denying or revoking conductor certification or recertification based solely on the denial of engineer certification	4,000	8,000	8,000	16,000								
(m) Railroad improperly revokes both engineer and conductor certifications for a dual certified person based on the same event	5,000	7,500	10,000	15,000								
240.309—Oversight responsibility report:												
(a) Failure to perform annual review/analysis or complete on time	5,000	7,500	10,000	15,000								
(b) Incomplete or inaccurate formal annual review and analysis	2,500	5,000	5,000	10,000								
(c) Failure to determine actions to improve safety	2,500	5,000	5,000	10,000								
(d) Failure to provide written report to FRA upon request	2,500	5,000	5,000	10,000								
(e)-(i) Incomplete or inaccurate report	2,000	4,000	4,000	8,000								

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; 85 FR 81290, Dec. 15, 2020]

Part 241—United States Locational Requirement for Dispatching of United States Rail Operations-Schedule of Civil Penalties¹

Section ²	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
241.9(a) Requiring or permitting extraterritorial dispatching of a railroad operation	\$7,500	\$11,000	\$ 15,000	\$ 22,000
(b) Failing to notify FRA about extraterritorial dispatching of a railroad operation in an emergency situation	5,000	7,500	10,000	15,000
241.11 Conducting a railroad operation that is extraterritorially dispatched:				
(a)(1) Generally	7,500	11,000	15,000	22,000
(a)(2) In an emergency situation-where dispatching railroad fails to notify FRA of the extraterritorial dispatching	2,500	5,000	5,000	10,000
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	15,000	22,000
(a)(2) In an emergency situation-where dispatching railroad fails to notify FRA of the extraterritorial dispatching	2,500	5,000	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 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]

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)	Base Range (Low)	Base Range (High)	Base Range Low (Willful)	Base Range High (Willful)	Updated Range (Low)	Updated Range (High)	Updated Range Low (Willful)	Updated Range High (Willful)
(c) Failure to comply with requirements if records maintained electronically	5,000	7,500	10,000	15,000								
242.207—Certificate components:												
(a) Improper certificate	1,000	2,000	2,000	4,000								
(b) Failure to designate those with signing authority	1,000	2,000	2,000	4,000								
(d) Falsification of a certificate		10,000		20,000								
242.209—Maintenance of the certificate:												
(a) Failure of conductor to carry certificate or display certificate when requested	1,000	2,000	2,000	4,000								
(b) Failure of conductor to notify railroad of limitations or railroad requiring conductor to exceed limitations	4,000	8,000	8,000	16,000								
242.211—Replacement of certificates:												
(a) Failure to have system for certificate replacement or system not reasonably accessible to conductors	5,000	7,500	10,000	15,000								
(b) Failure to properly issue temporary replacement certificate	2,000	4,000	4,000	8,000								
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	10,000	15,000	20,000								
(e) Failure to comply with emergency restrictions	7,500	10,000	15,000	20,000								
(f) Failure of conductor to notify railroad of denial or revocation		5,000		10,000								
(g) Performing conductor service with a revoked conductor certificate	7,500	15,000	15,000	30,000								
(h), (k) Performing work as an engineer or obtaining an engineer certificate while a conductor certificate is revoked for a violation of 242.403(e)(1)-(e)(5) or (e)(12)	7,500	15,000	15,000	30,000								
(i)-(j) Performing work as a conductor or obtaining a conductor certificate while an engineer certificate is revoked under 240.307	7,500	15,000	15,000	30,000								
(l) Denying or revoking engineer certification or recertification based solely on the denial of conductor certification	4,000	8,000	8,000	16,000								
(m) Denying or revoking conductor certification or recertification based solely on the denial of engineer certification	4,000	8,000	8,000	16,000								
(o) Revoking both a person's conductor and engineer certificates for a single event	5,000	7,500	10,000	15,000								
242.215—Oversight responsibility:												
(a) Failure to perform annual review/analysis or complete on time	5,000	7,500	10,000	15,000								
(b) Incomplete or inaccurate formal annual review and analysis	2,500	5,000	5,000	10,000								
(c) Failure to determine actions to improve safety	2,500	5,000	5,000	10,000								
(d) Failure to provide written report to FRA upon request	2,500	5,000	5,000	10,000								
(e)-(i) Incomplete or inaccurate report	2,000	4,000	4,000	8,000								
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	15,000	30,000								
(b) Failure to notify railroad of lack of qualifications		5,000		10,000								
(c) Failure to provide required assistance	5,000	7,500	10,000	15,000								
(d) Failure to provide assistance or up-to-date job aid	5,000	7,500	10,000	15,000								
Subpart E—Denial and Revocation of Certification												
242.401—Denial of certification:												
(a) Failure to notify, provide opportunity for comment, or provide supporting documentation	2,000	4,000	4,000	8,000								
(c) Failure to notify, provide explanation, or address rebuttal information, or untimely notification	2,000	4,000	4,000	8,000								
242.403—Revocation criteria:												
(a) Failure to implement program meeting requirements or violate program	6,000	10,000	12,000	20,000								
(b) Unlawful failure to comply with rules and practices	2,500	5,000	5,000	10,000								
(c) Failure to revoke certification	5,000	10,000	10,000	20,000								
(d) Considering excluded data	2,500	5,000	5,000	10,000								
(e) Considering unlisted violations of operating rules and practices	2,500	5,000	5,000	10,000								
(f) Improperly counting or considering violations	2,500	5,000	5,000	10,000								
242.405—Periods of ineligibility:												
(a)-(c) Imposition of incorrect period of ineligibility	2,500	5,000	5,000	10,000								
242.407—Revocation of certification:												
(a) Failure to revoke certification	7,500	10,000	15,000	20,000								
(b) Failure to suspend, notify, or provide hearing opportunity, or improper procedures	2,500-5,000	5,000-10,000	5,000-10,000	10,000-20,000	2,500	5,000	5,000	10,000	5,000	10,000	10,000	20,000
(c)-(g) Failure of railroad to comply with hearing or waiver procedures	2,500-5,000	5,000-10,000	5,000-10,000	10,000-20,000	2,500	5,000	5,000	10,000	5,000	10,000	10,000	20,000

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)		Base Range (Low)	Base Range (High)	Base Range Low (Willful)	Base Range High (Willful)	Updated Range (Low)	Updated Range (High)	Updated Range Low (Willful)	Updated Range High (Willful)
(h) Failure to credit suspension period toward revocation period	2,000	4,000	4,000	8,000									
(j) Failure of railroad to make record	2,500	5,000	5,000	10,000									
(k) Failure of railroad to conduct reasonable inquiry or make good faith determination	7,500	10,000	15,000	20,000									

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; 85 FR 81290, Dec. 15, 2020]

Part 243—Training, Qualification, and Oversight for Safety-Related Railroad Employees-Schedule of Civil Penalties¹

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)	Base Range (Low)	Base Range (High)	Base Range Low (Willful)	Base Range High (Willful)	Updated Range (Low)	Updated Range (High)	Updated Range Low (Willful)	Updated Range High (Willful)
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	\$15,000-25,000	\$22,000-32,000	7,500	12,500	11,000	16,000	15,000	25,000	22,000	32,000
(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	9,000-19,000	13,000-26,000	4,500	9,500	6,500	13,000	9,000	19,000	13,000	26,000
(d) OJT program requirements or failure to make reference materials available	2,000-4,500	4,000-6,500	4,000-9,000	8,000-13,000	2,000	4,500	4,000	6,500	4,000	9,000	8,000	13,000
(e-f) Program validation	2,000	4,000	4,000	8,000								
243.105 Claiming optional model program is FRA-approved, when it is not:	2,000-4,500	4,000-6,500	4,000-9,000	8,000-13,000	2,000	4,500	4,000	6,500	4,000	9,000	8,000	13,000
243.109 Training program submission, review, and approval process:												
(a) Failure to timely resubmit program	2,000-4,500	4,000-6,500	4,000-9,000	8,000-13,000	2,000	4,500	4,000	6,500	4,000	9,000	8,000	13,000
(b) Failure to timely submit informational filing	2,000-4,500	4,000-6,500	4,000-9,000	8,000-13,000	2,000	4,500	4,000	6,500	4,000	9,000	8,000	13,000
(c) Failure to submit new portions or revisions	4,500	6,500	9,000	13,000								
(d) Railroad failure to serve program	1,000	2,000	2,000	4,000								
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	4,000-9,000	8,000-13,000	2,000	4,500	4,000	6,500	4,000	9,000	8,000	13,000
(c-f) FRA approved some training, but all conditions not met	2,000-4,500	4,000-6,500	4,000-9,000	8,000-13,000	2,000	4,500	4,000	6,500	4,000	9,000	8,000	13,000
(g-h) Records	1,000	2,000	2,000	4,000								
Subpart C—Program Implementation and Oversight Requirements												
243.201 Employee qualification requirements:												
(a-b) Failure to designate an employee	1,000	2,000	2,000	4,000								
(c-f) Other failures and refresher training (per employee)	1,000	2,000	2,000	4,000								
243.203 Records:												
(a-f) Failure to maintain records (per employee)	1,000	2,000	2,000	4,000								
243.205 Periodic oversight	4,500-9,500	6,500-13,000	9,000-19,000	13,000-26,000	4,500	9,500	6,500	13,000	9,000	19,000	13,000	26,000
243.207 Annual review	4,500	6,500	9,000	13,000								
243.209 Railroad maintained list of contractors utilized	4,500	6,500	9,000	13,000								

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.

Part 270—System Safety Program-Schedule of Civil Penalties

PENALTY SCHEDULE¹

	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart B—System Safety Program (SSP) Requirements				
270.101—System safety program; general:				
(a) Failure to establish a system safety program	\$ 15,000	\$ 30,000	\$ 30,000	\$ 60,000
Failure to include a risk-based hazard management program in the system safety program	10,000	20,000	20,000	40,000
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	15,000	30,000
(a)(2) Failure to communicate and coordinate with host railroad on the SSP plan	7,500	15,000	15,000	30,000
270.107—Consultation Requirements:				
(a)(1) Failure to consult with directly affected employees	10,000	20,000	20,000	40,000
Failure to consult in good faith and/or use best efforts	10,000	20,000	20,000	40,000
(a)(3) Failure to hold preliminary meeting	7,500	15,000	15,000	30,000
Failure to comply with deadline for holding preliminary meeting	5,000	10,000	10,000	20,000
Failure to notify directly affected employees no less than 60 days before meeting is held	7,500	15,000	15,000	30,000
(b) Failure to submit consultation statement with plan submission	7,500	15,000	15,000	30,000
Failure to include all required elements in consultation statement	5,000	10,000	10,000	20,000
(d) Failure to submit consultation statement with submission of plan amendment	5,000	10,000	10,000	20,000
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	20,000	40,000
Failure to file an SSP plan within 90 days of commencing operations	10,000	20,000	20,000	40,000
(a)(3) Failure to include all required information in submission	5,000	10,000	10,000	20,000
(b)(3) Failure to correct identified deficiencies and amend SSP plan	7,500	15,000	15,000	30,000
Failure to submit corrected SSP plan	7,500	15,000	15,000	30,000
Failure to submit corrected SSP plan within 90 days	5,000	10,000	10,000	20,000

	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(c)(1)(i) Failure to submit amendment to SSP plan	7,500	15,000	15,000	30,000
Failure to submit amendment to SSP plan within 60 days	5,000	10,000	10,000	20,000
(c)(2)(iii) Failure to submit corrected amendment or notify FRA of retraction	7,500	15,000	15,000	30,000
Failure to submit corrected amendment within 60 days	5,000	10,000	10,000	20,000
270.203—Retention of SSP plan:				
Failure to retain a copy of the SSP plan at system/division headquarters	10,000	20,000	20,000	40,000
Failure to make records available to representatives of FRA and States participating under part 212 of this chapter	7,500	15,000	15,000	30,000
Subpart D—SSP Internal Assessments and External Auditing				
270.303—Internal system safety program assessment:				
(a) Failure to conduct an annual internal assessment	10,000	20,000	20,000	40,000
Failure to include all required elements in the internal assessment	7,500	15,000	15,000	30,000
(b) Failure to include a statement in the SSP plan describing the required elements	5,000	10,000	10,000	20,000
(c)(1)(i) Failure to submit to FRA the internal assessment report	7,500	15,000	15,000	30,000
Failure of the internal assessment report to contain all required elements and sub-elements	5,000	10,000	10,000	20,000
(c)(1)(ii) Failure to develop and outline improvement plan	7,500	15,000	15,000	30,000
Failure to comply with improvement plan	7,500	15,000	15,000	30,000
(c)(2) Failure of chief official responsible for safety to certify the results of the internal assessment	5,000	10,000	10,000	20,000
270.305—External safety audit:				
(b)(1) Failure to submit improvement plan	7,500	15,000	15,000	30,000
Failure to submit improvement plan within 60 days	5,000	10,000	10,000	20,000
Failure to include all required elements in the improvement plan	5,000	10,000	10,000	20,000
(b)(2) Failure to amend and submit to FRA the improvement plan	7,500	15,000	15,000	30,000
Failure to submit amended improvement plan within 30 days	5,000	10,000	10,000	20,000
(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	15,000	30,000

	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
--	-----------------------------	---	---	---

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 85 FR 12843, Mar. 4, 2020]

Part 271—Risk Reduction Program-Schedule of Civil Penalties

PENALTY SCHEDULE¹

	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
Subpart A—General				
271.13 Determination of inadequate safety performance:				
(c)(1)(i) Failure to notify employees that FRA has identified railroad as possibly having inadequate safety performance	\$ 7,500	\$ 15,000	\$ 15,000	\$ 30,000
(c)(1)(i)(A) Failure to include all required information in employee notification	5,000	10,000	10,000	20,000
(e) Failure to comply for minimum period of five years	7,500	15,000	15,000	30,000
(g) Failure to continue compliance until FRA has granted petition to discontinue compliance	7,500	15,000	15,000	30,000
271.15 Voluntary compliance:				
(b) Failure to comply for minimum period of five years	7,500	15,000	15,000	30,000
(c) Failure to provide FRA written notice to discontinue compliance	5,000	10,000	10,000	20,000
Subpart B—Risk Reduction Program Requirements				
271.101 Risk reduction programs:				
(a) Failure to establish and fully-implement a risk reduction program (RRP)	15,000	30,000	30,000	60,000
(a)(1) Failure to include a risk-based hazard management program in RRP	10,000	20,000	20,000	40,000
(a)(2)-(6) Failure to include a required component in RRP	7,500	15,000	15,000	30,000
(b) Failure to comply with RRP plan	7,500	15,000	15,000	30,000
(c) Failure to communicate and coordinate with passenger railroad operation as part of RRP	7,500	15,000	15,000	30,000
(d) Failure to ensure that persons performing or utilizing significant safety-related services support and participate in railroad's RRP	7,500	15,000	15,000	30,000
271.103 Risk-based hazard management program:				
(b)-(c) Failure to comply with requirements for risk-based hazard management program	7,500	15,000	15,000	30,000
271.105 Safety performance evaluation:				

	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(b)-(c) Failure to comply with requirements for safety performance evaluation	5,000	10,000	10,000	20,000
271.107 Safety outreach:				
(a)-(b) Failure to comply with requirements for safety outreach	5,000	10,000	10,000	20,000
271.109 Technology analysis and technology implementation plan:				
(a) Failure to comply with deadline for conducting a technology analysis and adopting a technology implementation plan	5,000	10,000	10,000	20,000
(b)-(d) Failure to comply with requirements for technology analysis and technology implementation plan	5,000	10,000	10,000	20,000
271.111 Implementation and support training:				
(a) Failure to comply with requirements for implementation and support training	5,000	10,000	10,000	20,000
(b) Failure to keep record of training	5,000	10,000	10,000	20,000
271.113 Involvement of railroad employees:				
(a)-(b) Failure to comply with requirements for involvement of employees	5,000	10,000	10,000	20,000
Subpart C—Risk Reduction Program Plan Requirements				
271.201 General:				
(a) Failure to adopt and implement RRP through an RRP plan	15,000	30,000	30,000	60,000
(b) Failure to adopt and implement a required element of an RRP plan	7,500	15,000	15,000	30,000
271.207 Consultation requirements:				
(a)(1) Failure to consult with directly affected employees in good faith and/or use best efforts	10,000	20,000	20,000	40,000
(b) Failure to hold preliminary meeting	7,500	15,000	15,000	30,000
(b)(1) Failure to comply with deadline for holding preliminary meeting	5,000	10,000	10,000	20,000
(b)(2) Failure to comply with deadline for notifying directly affected employees before holding preliminary meeting	7,500	15,000	15,000	30,000
(d) Failure to submit consultation statement with RRP plan submission	7,500	15,000	15,000	30,000

	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(d)(1)-(3) Failure to include required element in consultation statement	5,000	10,000	10,000	20,000
Subpart D—Review, Approval, and Retention of Risk Reduction Program Plans.				
271.301 Filing and approval:				
(a) Failure to file an initial RRP plan	10,000	20,000	20,000	40,000
(b)(1)-(4) Failure to comply with deadline for filing RRP plan	10,000	20,000	20,000	40,000
(c) Failure to include required information in submission	5,000	10,000	10,000	20,000
(d)(3)(i) Failure to amend RRP plan to correct identified deficiency	7,500	15,000	15,000	30,000
(d)(3)(ii) Failure to submit corrected RRP plan	7,500	15,000	15,000	30,000
(d)(3)(iii) Failure to submit corrected RRP plan within 90 days	5,000	10,000	10,000	20,000
271.303 Amendments:				
(a)(1)(i) Failure to follow process for consulting with directly affected employees on substantive amendments	10,000	20,000	20,000	40,000
(a)(1)(ii) Failure to submit consultation statement with submission of substantive amendment	5,000	10,000	10,000	20,000
(a)(1)(iii) Failure to include required element in consultation statement for substantive amendment	5,000	10,000	10,000	20,000
(b)(1)(i) Failure to file proposed substantive amendment	7,500	15,000	15,000	30,000
(b)(1)(ii) Failure to file proposed substantive amendment no less than 60 days before its proposed effective date	5,000	10,000	10,000	20,000
(b)(2)(i) Failure to file non-substantive amendment with FRA before implementing it	1,000	2,000	2,000	4,000
(c)(3)(i) Failure to submit corrected amendment or notify FRA of retraction	7,500	15,000	15,000	30,000
(c)(3)(ii) Failure to submit corrected amendment or notify FRA of retraction within 60 days	5,000	10,000	10,000	20,000
271.307 Retention of RRP plans:				
(a) Failure to retain a copy of RRP plan and each subsequent amendment(s) to RRP plan at system and division headquarters	10,000	20,000	20,000	40,000

	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(b) Failure to make copy of RRP plan and each subsequent amendment available to representatives of FRA and States participating under part 212 of this chapter	7,500	15,000	15,000	30,000
Subpart E—Internal Assessments				
271.401 – Annual internal assessments:				
(a) Failure to conduct an annual internal assessment	10,000	20,000	20,000	40,000
(b)(1)-(5) Failure to include required element in the internal assessment	7,500	15,000	15,000	30,000
(c) Failure to report internal assessment results to railroad senior management	7,500	15,000	15,000	30,000
271.403 – Internal assessment improvement plans:				
(a)(1) Failure to develop an improvement plan addressing findings of internal assessment	7,500	15,000	15,000	30,000
(a)(2) Failure to develop an improvement plan addressing findings of internal assessment within 30 days of completing internal assessment	5,000	10,000	10,000	20,000
(a)(3) Failure to comply with internal assessment improvement plan	7,500	15,000	15,000	30,000
(b)(1)-(4) Failure to include required element in internal assessment improvement plan	5,000	10,000	10,000	20,000
271.405 – Internal assessment reports:				
(a)(1) Failure to submit internal assessment report to FRA	7,500	15,000	15,000	30,000
(a)(2) Failure to submit internal assessment report to FRA within 60 days of internal assessment	5,000	10,000	10,000	20,000
(b) Failure of chief official responsible for safety to sign internal assessment report	5,000	10,000	10,000	20,000
(b)(1)-(4) Failure to include required element in internal assessment report	5,000	10,000	10,000	20,000
Subpart F—External Audits				
271.503 – External audit improvement plans:				
(a)(1) Failure to submit external audit improvement plan	7,500	15,000	15,000	30,000

	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
(a)(2) Failure to submit external audit improvement plan within 60 days	5,000	10,000	10,000	20,000
(a)(3) Failure to comply with external audit improvement plan	7,500	15,000	15,000	30,000
(b)(1)-(3) Failure to include required element in external audit improvement plan	5,000	10,000	10,000	20,000
(c)(1) Failure to amend and submit to FRA the external audit improvement plan	7,500	15,000	15,000	30,000
(c)(2) Failure to submit amended external audit improvement plan within 30 days	5,000	10,000	10,000	20,000
(d) Failure to provide FRA a status report on the implementation of the improvements set forth in the external audit improvement plan	7,500	15,000	15,000	30,000

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.

[85 FR 9262, Feb. 18, 2020]

Part 272—Critical Incident Stress Plans-Schedule of Civil Penalties¹

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)
SUBPART B—PLAN COMPONENTS AND APPROVAL PROCESS				
272.101 Content of a critical incident stress plan:				
(a) Failure to inform about relief options	\$ 5,000	\$ 6,000	\$ 10,000	\$ 12,000
(b) Failure to offer timely relief from duty tour	5,000	10,000	10,000	20,000
(c) Failure to offer timely transportation to home terminal	5,000	10,000	10,000	20,000
(d) Failure to offer counseling, guidance, support services	5,000	10,000	10,000	20,000
(e) Failure to permit relief from duty tour(s) subsequent to incident	5,000	10,000	10,000	20,000
(f) Failure to permit additional leave to receive preventive services or treatment related to the incident	5,000	10,000	10,000	20,000
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	18,000	36,000
(b) Failure to simultaneously file a copy	5,000	10,000	10,000	20,000
(e) Failure to submit a material modification to the plan	7,500	15,000	15,000	30,000
(f) Failure to make a copy of the plan available to covered employees	3,000	6,000	6,000	12,000
(g) Failure to make a copy of the plan available to FRA	3,000	6,000	6,000	12,000

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]

Section	Violation (Base)	Willful Violation (Base)	Violation (Effective Mar. 8, 2023)	Willful Violation (Effective Mar. 8, 2023)	Base Range (Low)	Base Range (High)	Base Range Low (Willful)	Base Range High (Willful)	Updated Range (Low)	Updated Range (High)	Updated Range Low (Willful)	Updated Range High (Willful)
(a) Failure to develop system-wide qualification test plan	7,500	15,000	15,000	30,000								
(c) Failure to adopt and comply with system-wide qualification test plan	15,000	25,000	30,000	50,000								
(d) Failure to submit required test procedures prior to conducting testing	9,500	15,000	19,000	30,000								
299.605 Functional and performance qualification tests	15,000	25,000	30,000	50,000								
299.607 Pre-revenue service systems integration testing	15,000	25,000	30,000	50,000								
299.609 Vehicle/track system qualification												
(a) through (d) Vehicle qualification	15,000	25,000	30,000	50,000								
(e) through (i) Qualification test plan and testing	7,500	11,000	15,000	22,000								
299.611 Simulated revenue operations												
(a) Failure to conduct simulated revenue operations	7,500	15,000	15,000	30,000								
(b) Failure to maintain required test log	9,500	15,000	19,000	30,000								
(c) Failure to correct identified safety defects	15,000	25,000	30,000	50,000								
299.613 Verification of compliance												
(a) Failure to prepare report detailing testing results	9,500	15,000	19,000	30,000								
(b) Failure to correct identified safety defects	15,000	25,000	30,000	50,000								
(c) Failure to submit report prior to commencing simulated revenue operations	9,500	15,000	19,000	30,000								
(d) Procedures for introducing new or upgrade safety-critical technology	15,000	25,000	30,000	50,000								
SUBPART G—INSPECTION, TESTING, AND MAINTENANCE PROGRAM												
299.703 Compliance												
Failure to have approved ITM program	15,000	25,000	30,000	50,000								
(a) Failure to conduct inspections and test in accordance with the approved ITM program	7,500	15,000	15,000	30,000								
(b) Failure to conduct maintenance in accordance with the approved ITM program	7,500	15,000	15,000	30,000								
299.705 Standard procedures for safely performing inspection, testing, and maintenance, or repairs												
(a)(1)-(4)	5,000	10,000	10,000	20,000								
(a)(5)-(7)	10,000	15,000	20,000	30,000								
299.707 Maintenance intervals												
(a) Initial intervals	5,000	10,000	10,000	20,000								
(b) Adjusting intervals without FRA approval	10,000	15,000	20,000	30,000								
299.709 Quality control program												
Failure to establish a quality control program	10,000	15,000	20,000	30,000								
Failure to follow quality control program	7,500	12,500	15,000	25,000								

¹ 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. FRA reserves the right to take appropriate enforcement action for a violation of 49 CFR part 299 even though a specific civil penalty may not be listed in this penalty schedule.

² A penalty may be assessed against an individual only for a willful violation. See 49 CFR part 209, appendix A.

³ Failure to observe any condition for movement set forth in § 299.447(b) 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.