

**Federal Railroad Administration**

**Office of Railroad Safety**



***Camp Car Rules Compliance Manual***

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## Camp Car Rules Compliance Manual

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## Chapter 1–Overview

### 1. Introduction

The Camp Car Rules Compliance Manual prescribes guidance for investigative and monitoring activities to ensure railroad compliance with the Title 49 Code of Federal Regulations (CFR) Part 228 revisions, which became effective on December 30, 2011. The title of the part has been changed from Hours of Service of Railroad Employees to Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters. The substantive changes include the following:

- 49 CFR Part 228 Subpart A—General (revised).
- 49 CFR Part 228 Subpart C—Construction of Railroad-Provided Sleeping Quarters (revised, and subpart title of Construction of Employee Sleeping Quarters also revised).
- 49 CFR Part 228 Subpart E—Safety and Health Requirements for Camp Cars Provided by Railroads as Sleeping Quarters (new, and referred to in this manual as Camp Car Rules).

Other changes were made to 49 CFR Part 228, including adding § 228.6 and removing §§ 228.13, 228.21, 228.23, the last paragraph of Appendix A, and Appendix C (much of Appendix C became Subpart E).

### 1.1 Purposes of the Camp Car Rules Compliance Manual

The Camp Car Rules Compliance Manual provides information to assist Federal Railroad Administration (FRA) and State staff in the following:

- Performing inspections, audits, and investigations;
- Clarifying staff roles;
- Gaining a better understanding of Federal railroad safety laws and regulations; and
- Achieving uniform enforcement of Federal railroad safety laws and regulations.

This manual provides excerpts of the revised regulations by section, along with applicable guidance and defect codes to use when compliance failures are identified. This manual is to be used by FRA and State industrial hygienists and Operating Practices and Track inspectors performing site and noise inspections, audits, and investigations that may lead to enforcement action and civil penalties. This manual also contains the Camp Car Rules Compliance Audit Checklist that summarizes the requirements and provides a format for field inspections and audits (see Appendix D). Although this manual is dedicated to Part 228 revisions, FRA and State staff should also be aware of FRA regulations under 49 CFR Part 218 Subpart E that prescribe minimum requirements governing protection of camp cars that house railroad employees.

The industrial hygienist and inspector's first concern must be the safety of the inspection participants. In addition, all inspection activities must be conducted according to the personal safety instructions in the FRA Office of Safety General Manual and the FRA Safety Policy, Procedures, and Recommendations (Safe at Work).

The Camp Car Rules Compliance Manual clarifies the industrial hygienist and inspector roles in implementing the FRA railroad safety program. Industrial hygienists and inspectors should use this manual to gain a better understanding of the Federal railroad safety laws and regulations. However, having a thorough knowledge and understanding of the laws and regulations alone is not enough to be a good industrial hygienist or inspector. The success and effectiveness of FRA's safety assurance and compliance programs hinges on the ability to use good judgment and approaches with the railroad industry. Industrial hygienists and inspectors have considerable enforcement discretion, and this manual should be used for guidance on how to exercise that discretion. Each inspection will present the industrial hygienist and inspector with a new situation; if the manual does not provide adequate guidance for a particular situation, the industrial hygienist or inspector should seek the assistance of the Staff Director of the Industrial Hygiene Division.

Discussions of the regulations and referenced consensus standards and other Federal regulations and standards in this manual provide guidance for each CFR section, but are not to be construed as modifications, alterations, or revisions of the published regulations or standards. Comments and suggestions for future changes and additions are invited and should be forwarded to the Associate Administrator for Railroad Safety/Chief Safety Officer.

The guidance in this manual may be revoked or modified by memoranda from the Associate Administrator for Railroad Safety/Chief Safety Officer. The manual is intended to provide internal guidance and does not provide any basis for a private party to challenge FRA's exercise of enforcement discretion. All inspection activities must be conducted according to the policies and guidelines contained in the FRA Office of Safety General Manual.

Adherence to the guidance in this manual will help FRA achieve uniform enforcement of Federal railroad safety laws and regulations. This uniformity is necessary for effective program management as mandated by the Federal Railroad Safety Act (Public Law 91-458).

### **1.2 Role of Industrial Hygienists and Inspectors**

Camp Car Rules will be enforced by FRA industrial hygienists and inspectors from different disciplines, but primarily from the Track and Operating Practices disciplines.

#### **Industrial Hygienists**

Industrial hygienists are scientists and engineers committed to protecting the health and safety of people in the workplace and the community. The field of industrial hygiene is defined as the science and art devoted to the anticipation, recognition, evaluation, prevention, and control of those environmental factors in the working environment that can lead to injury or illness.

### **Inspectors**

The provisions of this manual apply equally to all FRA safety personnel directed by proper authority to implement and enforce the Railroad Workplace Safety Program. The term “inspector” refers to an FRA or State inspector of any discipline who has been properly assigned to implement and enforce the Railroad Workplace Safety Program.

Operating Practices inspectors examine carrier operating rules, employee qualification guidelines, and carrier training and testing programs to determine compliance with the Railroad Safety Act of 1970, railroad occupational safety and health standards, the Hours of Service Act, and accident and personal injury reporting requirements.

Track inspectors have primary responsibility to implement and enforce the Railroad Workplace Safety Program. They will follow the general guidelines in the Track Enforcement Manual and the specific guidelines in this manual. Inspectors employed by States that participate in FRA railroad safety programs will follow the policies and procedures contained in this manual.

### **1.3 Basis for the Revised Regulations**

The purpose of the revised regulations is to protect the health and safety of employees who use camp cars. The regulations prescribe minimum Federal health and safety standards for camp car location, construction, and sanitation and environmental requirements for the occupants. The regulations do not restrict a railroad or railroad contractor from adopting and enforcing more stringent requirements.

FRA developed the changes and additions to 49 CFR Part 228 prescribing minimum safety and health requirements for camp cars that a railroad provides as sleeping quarters to any of its covered-service employees or individuals employed to maintain its right-of-way according to mandates contained in § 420 of the Rail Safety Improvement Act of 2008 (Public Law 110–432).

Under separate but related statutory authority, FRA also amended its regulations at 49 CFR Part 228, Subpart C, regarding construction of employee sleeping quarters. In particular, FRA’s existing guidelines with respect to the location, in relation to switching or humping of hazardous materials, of a camp car that is occupied exclusively by individuals employed to maintain a railroad’s right-of-way are being replaced with regulatory amendments prohibiting a railroad from positioning such a camp car in the immediate vicinity of the switching or humping of hazardous materials.

### **1.4 Recommended Safe Work Practices**

Industrial hygienists and inspectors should refer to the booklet, FRA Safety Policy, Procedures, and Recommendations (Safe at Work), to assist in the performance of job duties. Following the prescribed procedures will reduce the risk of personal injuries. The potential for injuries

increases when the prescribed procedures are not properly followed. Staying alert and never taking the job environment for granted will also help avoid injuries.

The FRA Safety and Health Committee compiled this set of safe work procedures for the inspector to follow in the day-to-day work activities. They were developed from a study of existing railroad safety rules and by FRA colleagues in their participation in the various job safety analysis activities. If the information in the booklet is not clear or if it does not provide enough material to make a sound decision, the inspector should contact the collateral duty Safety officer, industrial hygienist, or the Staff Director of the Industrial Hygiene Division. Remember, no job is so important and no service is so urgent that FRA staff cannot take time to perform all work safely.

### **1.5 Complaint Investigation**

Complaints are generally filed by railroad employees, labor organizations, or the general public. The complaint may be submitted by letter, email, telephone, fax, or in person. Complaints may be referred by other State or Federal agencies. The industrial hygienist and/or inspector assigned to a complaint investigation usually knows the identity of the complainant and the names of potentially helpful contacts. The investigation must be conducted without revealing to anyone outside FRA that a complaint is or was under investigation. An inspector must not, under any circumstances, reveal the identity of the complainant to anyone not employed by FRA, unless:

- The complainant authorizes such disclosure in writing; or
- FRA refers the matter to the Attorney General (AG) for enforcement or discussion limited to persons within the AG's office. See 49 U.S.C. 20109.

The region or the FRA Staff Director, Industrial Hygiene Division, will assign the complaint to an inspector or industrial hygienist, who will complete the investigation within 60 days. If a complaint investigation cannot be completed within 60 days, the inspector and/or the industrial hygienist will write a memorandum or email to the regional office or the FRA Staff Director, Industrial Hygiene Division, explaining the reasons for the delay. Every 5 days until completion of the complaint, the inspector or the industrial hygienist will submit a memorandum or email to the regional office and/or FRA headquarters explaining the status of the complaint.

### **1.6 Compliance Determinations**

FRA's principal method of enforcement is through inspections. Generally, an industrial hygienist will act as team leader of a team that will examine a railroad's camp cars and any required documents associated with them at a given camp site. The team will examine whether the railroad is providing camp cars that meet the requirements of the regulations.

The team will speak with the employees and managers who occupy the cars, review records (e.g., noise monitoring records, local emergency plans, potable water certificates), review the site relative to proscribed operations (switching or humping of hazardous materials cars), and



determine the extent to which the railroad is complying with the requirements of the regulations. If warranted, FRA will take enforcement action against the railroad.

### 1.7 Regular Inspection

Industrial hygienists or inspectors are not required to announce their presence on railroad property, nor are they required to provide advance notice of an inspection, investigation, followup, or surveillance activity. However, advance notice may be necessary to ensure the availability of records, equipment, carrier representatives, or persons to be interviewed.

Upon completion of an inspection, the industrial hygienist and/or the inspectors must confer with railroad representatives to advise them of any noncomplying conditions or practices discovered by the inspection. Noncompliance with the Camp Car Rules will only be cited by the industrial hygienists and/or inspectors. Industrial hygienists and/or inspectors may not issue a written report at the time of the closing conference if any information review, analysis of noise measurement, or other data needs to be done after the site inspection. However, within 5 work days of the inspection, the industrial hygienists and/or inspectors will verbally communicate the result to the railroad representative and follow up with a report within the allowable timeframe. If there is no railroad representative available, a railroad official must be verbally contacted within 5 work days of the inspection to be advised of the results.

### 1.8 Definitions

This section explains terms used in this manual that are not defined in 49 CFR Part 228.

*CBA* means Collective Bargaining Agreement.

*Foot candle* means a unit of illuminance or light intensity widely used in photography, film, television, conservation lighting, and the lighting industry. The “footcandle” is the equivalent of one lumen per square foot. One footcandle is approximately equal to 10.764 lux. In practical applications, as when measuring room illumination, it is very difficult to measure illuminance more accurately than  $\pm 10$  percent.

*Grey water* means wastewater generated from domestic activities such as laundry, dishwashing, and bathing. Grey water differs from water from the toilets which is called sewage or black water to indicate it contains human waste.

*Vermin* means noxious, objectionable, or disgusting animals collectively, especially those of small size that appear commonly, are difficult to control, are destructive or annoying, are vectors of disease or themselves are injurious to health. They include fleas, flies, lice, bedbugs, cockroaches, mice, and rats.

## 1.9 Recommended Equipment and Materials

Determinations of compliance for some of these regulations must be based on measurements or specific tests. The following is a list of devices or materials that can be used for the measurements or tests. The mention of a particular brand or supplier of the product does not constitute an endorsement nor signify that the device or material is the only one that can be used for the intended purpose. The brand names are only used for illustrative purposes.

A digital camera, a small ruler and a 20- or 25-foot tape measure should be available to measure and document defects as well as compliant conditions.

### Electric circuit polarity and ground check:

Woodhead 1750  
\$42–54



GE 50542  
\$7.50



Greenlee GT-10GFI  
\$13.50



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**Quick response thermometer:**

ThermoWorks RT600C- Super-Fast Pocket Thermometer, \$19



Comark Model 300, \$18



**Light meter:**

Mastech Digital Illuminance/  
Light Meter LX1330B, \$30



**Chlorine test paper:**

Indigo Instruments  
Chlorine Test Papers 0-200 parts per million (ppm)  
\$2.50 per package



Thomas Scientific  
3108T15, \$5.75



## Chapter 2–49 CFR Part 228–Subpart A and Subpart C

### 2. Section-by-Section Guidance

This chapter covers the amendments to 49 CFR Part 228 that were formulated to incorporate the mandated changes contained in the Rail Safety Improvement Act of 2008–Section 420 Employee Sleeping Quarters. Included in this chapter is some of the new rule text along with the previous version to illustrate the changes.

New rule text	Original rule text
<p><b>§ 228.1 Scope.</b></p> <p>This part—</p> <p>(a) Prescribes reporting and recordkeeping requirements with respect to the hours of service of certain railroad employees and certain employees of railroad contractors and subcontractors; and</p> <p>(b) Establishes standards and procedures concerning the construction or reconstruction of sleeping quarters.</p> <p><b>Note: A new subsection (c) is added.</b></p> <p>(c) Establishes minimum safety and health standards for camp cars provided by a railroad as sleeping quarters for its employees and individuals employed to maintain its rights of way; and</p> <p>[76 FR 67087, October 31, 2011]</p>	<p><b>§ 228.1 Scope.</b></p> <p>This part—</p> <p>(a) Prescribes reporting and recordkeeping requirements with respect to the hours of service of certain railroad employees and certain employees of railroad contractors and subcontractors; and</p> <p>(b) Establishes standards and procedures concerning the construction or reconstruction of employee sleeping quarters.</p> <p>[43 FR 31012, July 19, 1978, as amended at 74 FR 25345, May 27, 2009]</p>

*Compliance Guidance – § 228.1(c)*

The added language clarifies that the rule covers camp cars occupied by maintenance-of-way (MOW) workers in addition to occupancy by hours of service (HOS) employees. HOS employees who may make use of sleeping quarters generally are understood to mean engineers and conductors.

- ✓ Interview the managers of the railroad or railroad contractor to determine if they understand that camp cars occupied by MOW workers are covered by these rules.
- Does the railroad provide camp cars to all classes of workers included in the Scope?

*Defect Code – 228.001.C*

Failure to provide compliant camp cars to all classes of workers included in Scope.

New rule text	Original rule text
<p><b>§ 228.3 Application and responsibility for compliance.</b></p> <p>(a) Except as provided in paragraph (b) of this section, subparts B and D of this part apply to all railroads, all contractors for railroads, and all subcontractors for railroads. Except as provided in paragraph (b) of this section, subparts C and E of this part apply only to all railroads.</p> <p>(b) Subparts B through E of this part do not apply to:</p> <p>(1) A railroad, a contractor for a railroad, or a subcontractor for a railroad that operates only on track inside an installation that is not part of the general railroad system of transportation (<i>i.e.</i>, a plant railroad as defined in § 228.5);</p> <p>(2) Tourist, scenic, historic, or excursion operations that are not part of the general railroad system of transportation as defined in § 228.5, except as provided in § 228.413(d)(2); or</p> <p>(3) Rapid transit operations in an urban area that are not connected to the general railroad system of transportation.</p> <p>(c) The application of subpart F of this part is set forth in § 228.401.</p>	<p><b>§ 228.3 Application.</b></p> <p>(a) Except as provided in paragraph (b) of this section, this part applies to all railroads and contractors and subcontractors of railroads.</p> <p>(b) This part does not apply to:</p> <p>(1) A railroad or a contractor or subcontractor of a railroad that operates only on track inside an installation which is not part of the general railroad system of transportation; or</p> <p>(2) Rapid transit operations in an urban area that are not connected with the general railroad system of transportation.</p> <p style="text-align: right; font-size: small;">[74 FR 25345, May 27, 2009]</p>

*Compliance Guidance – § 228.3(b)*

Does the railroad (or contractor) meet one of the exceptions listed in this section?

- Operates only within a facility?
- Is a railroad that operates tourist, scenic, historic, or excursion operations?
- Is a rapid transit operation NOT connected to the general railroad system?

*Defect Code – 228.003.B*

Railroad, contractor for a railroad, or subcontractor for a railroad claims an improper exemption from compliance with camp car regulations.

**§ 228.5 Definitions.**

**Note:** This section was amended to add the following:

*Camp car* means a trailer and/or on-track vehicle, including an outfit, camp, bunk car, or modular home mounted on a flatcar, or any other mobile vehicle or mobile structure used to house or accommodate an employee or MOW worker. An office car, inspection car, specialized maintenance equipment, or wreck train is not included.

*MOW worker* means an individual employed to inspect, install, construct, repair, or maintain track, roadbed, bridges, buildings, roadway facilities, roadway maintenance machines, electric traction systems, and right of way of a railroad.

*Plant railroad* means a plant or installation that owns or leases a locomotive, uses that locomotive to switch cars throughout the plant or installation, and is moving goods solely for use in the facility's own industrial processes. The plant or installation could include track immediately adjacent to the plant or installation if the plant railroad leases the track from the general system railroad and the lease provides for (and actual practice entails) the exclusive use of that trackage by the plant railroad and the general system railroad for purposes of moving only cars shipped to or from the plant. A plant or installation that operates a locomotive to switch or move cars for other entities, even if solely within the confines of the plant or installation, rather than for its own purposes or industrial processes, will not be considered a plant railroad because the performance of such activity makes the operation part of the general railroad system of transportation.

*Tourist, scenic, historic, or excursion operations that are not part of the general railroad system of transportation* means a tourist, scenic, historic, or excursion operation conducted only on track used exclusively for that purpose (*i.e.*, there is no freight, intercity passenger, or commuter passenger railroad operation on the track).

*Compliance Guidance – § 228.5*

None.

*Defect Code – None.*

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**Note:** The heading of Subpart C of 49 CFR Part 228 is revised to read as follows:  
**Subpart C—Construction of Railroad-Provided Sleeping Quarters**

New rule text	Original rule text
<p><b>§ 228.101 Distance requirement for employee sleeping quarters; definitions used in this subpart.</b></p>	<p><b>§ 228.101 Distance requirement; definitions.</b></p>
<p>(b) Except as determined in accordance with the provisions of this subpart, the “immediate vicinity” shall mean the area within one-half mile (2,640 feet) (804 meters) of switching or humping operations as measured from the nearest rail of the nearest trackage where switching or humping operations are performed to the point on the site where the carrier proposes to construct or reconstruct the exterior wall of the structure, or portion of such wall, which is closest to such operations.</p>	<p>(b) Except as determined in accordance with the provisions of this subpart. “The immediate vicinity” shall mean the area within one-half mile (2,640 feet) (804 meters) of switching or humping operations as measured from the nearest rail of the nearest trackage where switching or humping operations are performed to the point on the site where the carrier proposes to construct or reconstruct the exterior wall of the structure, or portion of such wall, which is closest to such operations.</p>

*Compliance Guidance – § 228.101*  
 None.

*Defect Code – None.*

**Note: Section 228.102 is added to Subpart C.**

**§ 228.102 Distance requirement for camp cars provided as sleeping quarters exclusively to MOW workers.**

- (a) The hours of service laws at 49 U.S.C. 21106(b) provide that a railroad that uses camp cars must comply with 49 U.S.C. 21106(a) no later than December 31, 2009. Accordingly, on or after December 31, 2009, a railroad shall not begin construction or reconstruction of a camp car provided by the railroad as sleeping quarters exclusively for MOW workers within or in the immediate vicinity of any area where railroad switching or humping of placarded cars is performed.
- (b) This subpart includes definitions of most of the relevant terms (§ 228.101(b) and (c)), the procedures under which a railroad may request a determination by the Federal Railroad Administration that a particular proposed site for the camp car is not within the “immediate vicinity” of railroad switching or humping operations (§§ 228.103 and 228.105), and the basic criteria utilized in evaluating proposed sites. *See* § 228.5 for definitions of other terms.

For purposes of this § 228.102, references to “employees” in §§ 228.103 through 228.107 shall be read to include MOW workers.

*Compliance Guidance – § 228.102*

- ✓ This section explicitly indicates that the placement of MOW worker-occupied camp cars is restricted in the same manner as sleeping quarters occupied by employees covered by the HOS laws. The presumption established in § 228.103(b) applies only to covered employees under the HOS laws. Currently, FRA may not rely on this presumption to prove a violation of § 228.102 for camp cars occupied **exclusively by MOW workers** that were moved on or after Dec. 31, 2009 and remained too close to placarded switching or humping operations. In other words, FRA inspectors need to provide adequate evidence of the insufficient distance of the camp cars from placarded humping or switching operations, e.g., by being an eyewitness and measuring the distance, from other witnesses, or any other means. However, if the camp car is occupied by both MOW workers **and** covered employees under the HOS laws, then the presumption would apply. If further guidance on this interpretation is needed, please contact the Industrial Hygiene Division Staff Director, currently Alan Misiaszek ((202) 493-6002 or [Alan.Misiaszek@dot.gov](mailto:Alan.Misiaszek@dot.gov)), or the Office of Chief Counsel Trial Attorney, currently Michael Hunter ((202) 493-0368 or [Michael.Hunter@dot.gov](mailto:Michael.Hunter@dot.gov)).
- ✓ Determine if switching or humping operations of placarded cars occurs within one-half mile of the camp car camp.
- ✓ Measure from the nearest rail of the nearest track where switching or humping operations are performed to the point on the site where the closest exterior wall of the closest camp car is located.
- Are camp cars far enough away from identified operations?

*Defect Code – 228.102*

Failure to locate camp cars at a sufficient distance from switching or humping operations of placarded cars.

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## Chapter 3–49 CFR Part 228–Subpart E

### 3. Section-by-Section Guidance

This chapter covers the specific requirements of the new Subpart E, Safety and Health Requirements for Camp Cars Provided by Railroads as Sleeping Quarters, most of which had previously been guidelines in Appendix C to 49 CFR Part 228.

#### § 228.303 Application and responsibility for compliance.

- (a) This subpart applies to all railroads except the following:
- (1) Railroads that operate only on track inside an installation that is not part of the general railroad system of transportation (*i.e.*, plant railroads, as defined in § 228.5);
  - (2) Tourist, scenic, historic, or excursion operations that are not part of the general railroad system of transportation as defined in § 228.5; or
  - (3) Rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

*Compliance Guidance – § 228.303(a)*

This language has the same effect as § 228.3(b) (see Chapter 2 above).

*Defect Code – None.*

§ 228.303(b) Although the duties imposed by this subpart are generally stated in terms of the duty of a railroad, each person, including a contractor or subcontractor for a railroad, who performs any task or provides camp cars covered by this subpart, shall do so in accordance with this subpart.

*Compliance Guidance – § 228.303(b)*

- ✓ Contractors and subcontractors for railroads that provide camp cars for employee accommodations or services related to them are treated as if they are railroads with respect to compliance with this part.
- Do contractors or subcontractors for a railroad comply with Subpart E?

*Defect Code – 228.303.B*

Failure of a contractor or subcontractor for a railroad to comply with subpart E.

#### § 228.305 Compliance date.

On and after December 30, 2011, a railroad shall not provide a camp car for use as sleeping quarters by an employee or MOW worker unless the camp car complies with all requirements of this subpart.

*Compliance Guidance – § 228.305*

- ✓ Compliant camp cars must be provided as of December 30, 2011.
- Does the railroad provide a camp car for use as sleeping quarters by an employee or MOW worker that complies with all requirements of this subpart?

**This is the overall defect for both contractor and railroad-supplied camp cars. If criteria defined below do NOT meet requirements, this overall defect will be cited.**

*Defect Code – 228.305*                      Failure to provide compliant camp cars.

**§ 228.307 Definitions.**

*Compliance Guidance – § 228.307*

None. (Definitions in this section are for the terms used throughout the regulations.)

*Defect Code – None.*

**§ 228.309 Structure, emergency egress, lighting, temperature, and noise-level standards.**

**(a) General.** Each camp car must be constructed in a manner that will provide protection against the elements.

*Compliance Guidance – § 228.309(a)*

- ✓ The exterior should not have any flaws, such as penetrations, fittings, windows and doors/frames damage, that compromise the structure’s ability to provide protection from the elements.
- ✓ Visually inspect each camp car to ensure that the building envelope is intact, and that there are no breaches to the camp car that will expose occupants to the elements.
- ✓ Document flaws by written description or photographs. Written descriptions must identify the specific cars and locations of flaws.
- Is each camp car constructed in a manner that will provide protection against the elements?

*Defect Code – 228.309.A*                      Failure to maintain structural integrity of camp cars in such a way that occupants will be protected from the elements.

**§ 228.309(b) Floors.** Floors must be of smooth and tight construction and must be kept in good repair.

*Compliance Guidance – § 228.309(b)*

- ✓ Visually inspect each camp car’s floors.
- Are the floors of smooth, tight construction and kept in good repair?

*Defect Code – 228.309.B*                      Failure to maintain smooth, tight construction of floors.

**§ 228.309(c) Windows and other openings.** (1) All camp cars must be provided with windows the total area of which must be not less than 10 percent of the floor area. At least one-half of each window designed to be opened must be so constructed that it can be opened for purposes of ventilation. Durable opaque window coverings must be provided to reduce the entrance of light during sleeping hours.

*Compliance Guidance – § 228.309(c)(1)*

- ✓ Measure and inspect the windows.
- Is the surface area of all windows at least 10 percent of the overall floor dimensions?
- Is at least one-half of each window designed to be opened for ventilation?
- Do the windows have coverings that reduce light during sleeping hours?

*Defect Code – 228.309.C1*      Failure to provide windows that meet the structural requirements.

**§ 228.309(c)(2)** All exterior openings must be effectively screened with 16-mesh material. All screen doors must be equipped with self-closing devices.

*Compliance Guidance – § 228.309(c)(2)*

- ✓ Inspect each camp car.
- Are all exterior openings effectively screened with 16-mesh material? (16 mesh window screen is 16 wires x 16 wires per inch.)
- Are all screen doors equipped with a self-closing device?

*Defect Code – 228.309.C2*      Failure to provide adequate exterior opening protection.

**§ 228.309(d) Steps, entry ways, passageways, and corridors.** All steps, entry ways, passageways, and corridors providing normal entry to or between camp cars must be constructed of durable weather-resistant material and properly maintained. Any broken or unsafe fixtures or components in need of repair must be repaired or replaced promptly.

*Compliance Guidance – § 228.309(d)*

- ✓ Inspect each camp car steps, entry ways, passageways, and corridors.
- Are any broken or unsafe fixtures or components in need of repair repaired or replaced promptly?
- Are all walking surfaces constructed of durable weather-resistant material?
- Are all walking surfaces properly maintained?

*Defect Code – 228.309.D1*      Failure to construct walking surfaces of durable weather-resistant material.

*Defect Code – 228.309.D2*      Failure to maintain walking surfaces in good repair.

**§ 228.309(e) Emergency egress.** Each camp car must be constructed in a manner to provide adequate means of egress in an emergency situation. At a minimum, a means of emergency egress must be located in at least two places in camp car for emergency exits.

*Compliance Guidance – § 228.309(e)*

- ✓ Visually inspect each camp car for exits.
- Does each camp car provide at least two emergency exits?

*Defect Code – 228.309.E*                      Failure to provide adequate means of egress in case of an emergency situation.

**§ 228.309(f) Lighting.** Each habitable room in a camp car including but not limited to a toilet room, that is provided to an occupant must be provided with adequate lighting as specified below:

- (1) When occupants are present, the pathway to any exit not immediately accessible to occupants, such as through an interior corridor, shall be illuminated at all times to values of at least 1 foot-candle measured at the floor, provided that where the pathway passes through a sleeping compartment, the pathway up to the compartment will be illuminated, but illumination is not required inside the sleeping compartment.
- (2) Toilet and shower rooms shall have controlled lighting that will illuminate the room to values of at least 10 foot-candles measured at the floor.
- (3) Other areas shall have controlled lighting that will illuminate the room area to values of at least 30 foot-candles measured at the floor.

*Compliance Guidance – § 228.309(f)*

- ✓ Measure each specified space illuminance at floor level. Document levels in report.
- Is each exit pathway lighted with at least 1 footcandle?
- Is each toilet and shower room lighted with at least 10 footcandles?
- Are all other areas lighted with at least 30 footcandles?

*Defect Code – 228.309.F1*                      Failure to provide minimum of 1-foot candle in all exit pathways.

*Defect Code – 228.309.F2*                      Failure to provide a minimum of 10-foot candles in toilet and shower rooms.

*Defect Code – 228.309.F3*                      Failure to provide a minimum of 30-footcandles, in other areas.

**§ 228.309(g) Temperature.** Each camp car must be provided with equipment capable of maintaining a temperature of at least 68 degrees Fahrenheit (F.) during cold weather and no greater than 75 degrees F. during hot weather. A temperature of at least 68 degrees F. during cold weather and no greater than 75 degrees F. during hot weather must be maintained within an occupied camp car unless the equipment is individually controlled by its occupant(s).

*Compliance Guidance – § 228.309(g)*

- ✓ Determine if there is a thermostat or other temperature control present in each camp car.
- ✓ Interview the occupants to determine if they set the temperature outside the required range for their preference.
- Is the temperature control set to a temperature within the required or preferred range?
- If the device has a thermometer, does the temperature match the setting?

*Defect Code – 228.309.G*

Failure to provide equipment for maintaining a temperature of at least 68 degrees Fahrenheit (F.) during cold weather and no greater than 75 degrees F. during hot weather.

**§ 228.309(h) Noise control.** Noise levels attributable to noise sources under the control of the railroad shall not exceed an  $L_{eq}(8)$  value of 55 dB(A), with windows and doors closed and exclusive of noise from cooling, heating, and ventilating equipment, for any 480-minute period during which the facility is occupied.

*Compliance Guidance – § 228.309(h)*

- ✓ Interview the occupants to determine if they are disturbed by noise during sleeping periods.
- ✓ If occupants have noise complaints, perform noise measurements to determine if the  $L_{eq}(8)$  value exceeds 55 dB(A) for any 480-minute period during which the facility is occupied.
- ✓ Determine if noise sources are from passing trains, camp car generator sets, or other noise sources under the railroad's control.
- Has camp car management conducted any noise measurements?  
If so, obtain copies of the results.
- Do the levels comply?
- If FRA does measurements, are the findings within the limit?

*Defect Code – 228.309.H*

Failure to control noise from noise sources attributable to the railroad.

**§ 228.311 Minimum space requirements, beds, storage, and sanitary facilities.**

(a) Each camp car used for sleeping purposes must contain at least 80 square feet of floor space for each occupant, with a maximum of four occupants per car. At least a 7-foot ceiling, measured at the entrance to the car, must be provided.

*Compliance Guidance – § 228.311(a)*

- ✓ Measure the overall length and width of the camp car to determine the overall floor space and divide by 4. If the result is at least 80 square feet, the car is compliant.
- ✓ Measure the height of the ceiling at the door location to determine if the camp car has at least a 7-foot ceiling.

- Does each camp car contain at least 80 square feet of floor space for each occupant, with a maximum of four occupants per car?
- Does each camp car have at least a 7-foot ceiling, measured at the entrance to the car?

*Defect Code – 228.311.A1* Failure to provide at least 80 square feet of floor space for each occupant, when used for sleeping purposes, with a maximum of four occupants per car.

*Defect Code – 228.311.A2* Failure to provide at least a 7-foot ceiling.

**§ 228.311(b)** A bed, cot, or bunk for each occupant and suitable lockable storage facility, such as a lockable wall locker, or space for a lockable foot locker for each occupant’s clothing and personal articles must be provided in every room used for sleeping purposes. Except where partitions are provided, such beds or similar facilities must be spaced not closer than 36 inches laterally (except in rail-mounted modular units, where the beds shall be spaced not closer than 30 inches, and highway trailer units, where the beds shall be spaced not closer than 26 inches) and 30 inches end to end, and must be elevated at least 12 inches from the floor. Multi-deck bunks, multi-deck bunk beds, and multi-deck similar facilities may not be used.

*Compliance Guidance – § 228.311(b)*

- ✓ Visually inspect each camp car. Beds must have lateral spacing of at least:
  - 36 inches for non-partitioned occupancy, or
  - 30 inches for rail-mounted modular units, or
  - 26 inches for highway trailer units, and
  - At least 30 inches end to end, and
  - At least 12 inches from the floor.
- Are the beds, cots, or bunks in the car spaced properly?
- Are there lockable wall- or footlockers available?

*Defect Code – 228.311.B* Failure to provide a properly spaced bed, cot, or bunk, or lockable storage.

**§ 228.311(c)** Unless otherwise provided by a collective bargaining agreement, clean linens must be provided to each occupant.

*Compliance Guidance – § 228.311(c)*

- ✓ Request a copy of the CBA from the carrier and/or the labor organization representing the employees (if any).
- ✓ Determine if the CBA addresses provision of clean linens.
- Are clean linens provided for each occupant per the CBA?  
If no CBA applies, are clean linens provided for each occupant?

*Defect Code – 228.311.C* Failure to provide clean linens to each occupant.

**§ 228.311(d)** In a camp car where occupants cook, live, and sleep, a minimum of 120 square feet of floor space per occupants must be provided. Sanitary facilities must be provided for storing and preparing food. *See also* § 228.325.

*Compliance Guidance – § 228.311(d)*

- ✓ Inspect the food storage and sleeping areas in cars used for storing and preparing food.
- ✓ Measure the overall length and width of the camp car to determine the overall floor space and divide by the number of occupants who live and sleep in the car. If the result is at least 120 square feet per each occupant who lives and sleeps in the car, the car is compliant.

For any camp cars used for both sleeping and living quarters and for storing and preparing food:

- Is sufficient floor space provided?
- Is the food storage and preparation area clean and sanitary?

*Defect Code – 228.311.D1* Failure to provide 120 square feet of floor space per occupant when used for cooking, living, and sleeping purposes.

*Defect Code – 228.311.D2* Failure to provide sanitary facilities for storing and preparing food.

**§ 228.313 Electrical system requirements.**

(a) All heating, cooking, ventilation, air conditioning, and water heating equipment must be installed in accordance with an industry-recognized standard. Upon request by FRA, the railroad must identify the industry-recognized standard that it utilizes and establish its compliance with that standard.

*Compliance Guidance – § 228.313(a)*

- ✓ Request that the railroad identify the industry-recognized standard that it uses for electrical system installations.
- ✓ There are several regional, State, or local building code standards that are based on or incorporate NFPA 70: National Electrical Code, published by the National Fire Protection Association. Appendix C contains a listing of the codes adopted by State or local jurisdictions.
- ✓ Many NEC requirements refer to “listed” or “labeled” devices and appliances. This means that the item has been designed, manufactured, tested, or inspected, and marked according to the requirements of the listing agency.
- ✓ To be listed, the device has to meet the testing and other requirements set by a listing agency such as Underwriters Laboratories (UL), MET Laboratories, Inc. (MET), Intertek Group (ETL), Canadian Standards Association (CSA), and FM Approvals (FM).
- ✓ Inspect installed appliances to determine that they have one of the labels below.
  - Did the railroad identify and provide a copy of the standard?
  - Was equipment installed in conformance with the standard?
  - Was installed equipment listed or approved by one of the listing agencies?



*Defect Code – 228.313.A1*

Failure to provide a copy of the industry-recognized standard upon request by the FRA.

*Defect Code – 228.313.A2*

Failure to install equipment according to an industry-recognized standard.

*Defect Code – 228.313.A3*

Failure to install approved equipment.

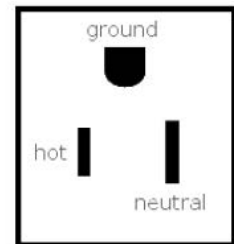
**§ 228.313(b)** All electrical systems installed, including external electrical supply connections, must be compliant with an industry-recognized standard. Upon request by FRA, the railroad must identify the industry-recognized standard that it utilizes and establish its compliance with that standard.

*Compliance Guidance – § 228.313(b)*

- ✓ Using a circuit tester, check a random selection of interior and exterior duplex outlets to determine proper polarity and grounding.
- Is the electrical system wired properly?

*Defect Code – 228.313.B*

Failure to have properly wired electrical system according to an industry-recognized standard and/or failure to provide a copy of the standard upon request by the FRA.





§ 228.313(c) Each occupied camp car shall be equipped with or serviced by a safe and working HVAC system.

*Compliance Guidance – § 228.313(c)*

- ✓ Inspect each occupied camp car to determine if it equipped with or serviced by a working HVAC system.
- Is the camp car equipped with or serviced by a working system as required?
- Is the system labeled with one of the testing laboratory approval labels as in § 228.313(a)?

*Defect Code – 228.313.C*

Failure to equip each camp car with a safe and working HVAC system.

**§ 228.315 Vermin control.**

Camp cars shall be constructed, equipped, and maintained to prevent the entrance or harborage of rodents, insects, or other vermin. A continuing and effective extermination program shall be instituted where the presence of vermin is detected.

*Compliance Guidance – § 228.315*

- ✓ Inspect the exterior of the camp cars for entry points for rodents or other vermin. Any holes, cracks, or gaps of one-quarter inch in size or larger are sufficient for rodents to enter. Common points of entry are:
  - Beneath exterior doorways;
  - Through gaps around water, electrical, gas, vent, and sewer lines;
  - Through unscreened pipes, exhausts, chimneys, and vents;
  - Through broken screens and gaps in window and door facings; and
  - Under and through trailer skirting.
- ✓ Inspect the interior of the camp cars for evidence of insects or harborage for rodents. Mice will nest in anything that doesn't move. Furniture, clothing, paper, plastic sacks, cardboard boxes, and other similar items are used by rodents for shelter. All forms of clutter must be eliminated. Look in out of-the-way corners (for example, inside closets or storage lockers) for evidence of shredded paper or clothing or mouse droppings.
- ✓ Look for sources of food for rodents or vermin including waste containers, snacks, and other food left in the open or outside of glass or metal containers.
- ✓ Take pictures of any noncomplying conditions.
- Is each camp car constructed, equipped, and maintained to prevent the entrance or harborage of rodents, insects, or other vermin?
- If there is evidence of infestation, has the railroad instituted a continuing and effective extermination program?

*Defect Code – 228.315.A1*

Failure to construct, equip, and maintain camp cars to prevent the entrance or harborage of rodents, insects, or other vermin.

*Defect Code – 228.315.A2*

Failure to institute a continuing and effective extermination program.

**§ 228.317 Toilets.**

**(a) Number of toilets provided.** Each individual camp car that provides sleeping facilities must have one room with a functional toilet for a total of one or two occupants, and one additional room with a functional toilet if there are a total of three or four occupants.

*Compliance Guidance - § 228.317(a)*

- ✓ Inspect each camp car and determine if it has the proper number of toilets.

*Defect Code – 228.317.A*

Failure to equip each camp car with proper number of toilets.

**§ 228.317(b) Construction of toilet rooms.**

Each toilet room must occupy a separate compartment with a door that latches and have walls or partitions between fixtures sufficient to assure privacy.

*Compliance Questions and Guidance - § 228.317(b)*

- Do toilet rooms comply?

*Defect Code – 228.317.B*

Failure to provide a properly constructed toilet room.

**§ 228.317(c) Supplies and sanitation.** (1) An adequate supply of toilet paper must be provided in each toilet room, unless provided to the occupants individually.

*Compliance Guidance - § 228.317(c)(1)*

- ✓ Inspect each camp car and speak with occupants.
- Is toilet paper provided as required?

*Defect Code – 228.317.C1*

Failure to provide an adequate supply of toilet paper in each toilet room.

**§ 228.317(c)(2)** Each toilet must be kept in a clean and sanitary condition and cleaned regularly when the camp car is being used. In the case of a non-water carriage toilet facility, it must be cleaned and changed regularly when the camp car is being used.

*Compliance Guidance – § 228.317(c)(2)*

- ✓ Inspect each camp car and interview occupants.
- Is each toilet found in a clean and sanitary condition?
- Is each toilet cleaned regularly when the camp car is being used?
- Are non-water carriage toilets cleaned and changed regularly when the camp car is being used?

*Defect Code – 228.317.C2*

Failure to maintain toilet(s) in clean and sanitary condition when camp car is being used.

**§ 228.317(d) Sewage disposal facilities.** (1) All sanitary sewer lines and floor drains from a camp car toilet facility must be connected to a public sewer where available and practical, unless the car is equipped with a holding tank that is emptied in a sanitary manner.

*Compliance Guidance – § 228.317(d)(1)*

- ✓ Grey water is the waste water from sinks and showers. It is usually combined with toilet waste and disposed of through a sanitary sewer system.
- ✓ The toilets in most camp cars are similar to those used on some locomotives and commuter cars (known as Microphor toilets). They are biological toilets that use bacteria to break down the human waste and then chlorinate the resultant fluid before it enters the disposal stream.
- ✓ Determine if a public sewer is available and connection from the camp is practical. In most cases, the only available public sanitary sewers would be associated with public campgrounds. In these cases, the State in which the campground is located will have regulations governing the use of these facilities. You will need to contact the State or local health department to determine its regulations.
- ✓ Determine if there is an available sanitary sewer in close proximity to the camp.
- ✓ Determine if there is an available and practical means of making a connection.
- ✓ Determine if there are holding tanks used for disposal of toilet waste and grey water.
- Where there is an available sanitary sewer in close proximity to the camp car and there is a practical means of making a connection, are the sanitary and floor drains connected?

If not:

- Are the holding tanks used for disposal of toilet waste and grey water emptied in a sanitary manner?

Defect Code – 228.317.D1i      Failure to connect all sanitary sewer lines and floor drains to a public sewer or a holding tank.

Defect Code – 228.317.D1ii      Failure to empty holding tanks in a sanitary manner.

**§ 228.317(d)(2)** The sewage disposal method must not endanger the health of occupants.

*Compliance Guidance – § 228.317(d)(2)*

- ✓ If a sanitary sewer connection is used, inspect connection and lines leading to it for integrity. Make note of or photograph any leaks.
- ✓ If holding tanks are used, inspect lines and connections to each tank for leaks.
- Does the sewage disposal method prevent the escape of sewage that could endanger the health of occupants?

*Defect Code – 228.317.D2*      Failure to provide a sewage disposal method which protects the health of the occupants.

**§ 228.317(d)(3)** For toilet facilities connected to a holding tank, the tank must be constructed in a manner that prevents vermin from entry and odors from escaping into the camp car.

*Compliance Guidance – § 228.317(d)(3)*

- ✓ Inspect the connection to the holding tank and the vents on each tank. There must be no

gaps or leaks in the connections. The vents must have either 16 mesh screen or other type of covering of similarly small opening to prevent entry of insects or other vermin.

- Are the tanks and connections constructed in a manner that prevents vermin from entry and odors from escaping into the camp car?

*Defect Code – 228.317.D3*

Failure to connect toilet facilities to a holding tank in a manner that prevents vermin from entry and odors from escaping into the camp car.

### § 228.319 Lavatories.

**(a) Number.** Each camp car that provides a sleeping facility must contain at least one functioning lavatory for a total of one or two occupants and an additional functional lavatory if there is a total of three or four occupants.

*Compliance Guidance – § 228.319(a)*

- ✓ Lavatory in this section refers to a sink/wash basin not a toilet.
- Does each camp car used for sleeping contain at least one functioning lavatory for each two occupants?

*Defect Code – 228.319.A*

Failure to provide a proper number of functioning lavatories.

**§ 228.319(b) Water.** Each lavatory must be provided with hot and cold potable running water. The water supplied to a lavatory must be from a potable water source supplied through a system maintained as required in § 228.323.

*Compliance Guidance – § 228.319(b)*

- ✓ Hand-test the water temperature in a random number of lavatories.
- ✓ **The evaluation of the supply system and potability of the water must be determined by evaluation of compliance with § 228.323.**
- Is each lavatory provided with hot and cold running water?

*Defect Code – 228.319.B*

Failure to provide hot and cold running potable water in lavatory.

**§ 228.319(c) Soap.** Unless otherwise provided by a collective bargaining agreement, hand soap or similar cleansing agents must be provided.

*Compliance Guidance – § 228.319(c)*

- ✓ Request a copy of the CBA from the carrier and/or the labor organization representing the employees (if any).
- ✓ Inspect each camp car lavatory and speak with occupants to determine if they have adequate supplies of soap or similar materials.

- Is hand soap provided per the CBA?
- If no CBA applies, is hand soap provided?

*Defect Code – 228.319.C*                      Failure to provide hand soap.

**§ 228.319(d) Means of drying.** Unless otherwise provided by a collective bargaining agreement, individual hand towels, of cloth or paper, warm air blowers, or clean sections of continuous cloth toweling must be provided near the lavatories.

*Compliance Guidance – § 228.319(d)*

- ✓ Request a copy of the CBA from the carrier and/or the labor organization representing the employees (if any).
- ✓ Inspect each camp car lavatory and speak with occupants.
- Is hand drying provided for each lavatory per the CBA?
- If no CBA applies, is hand drying provided for each lavatory?

*Defect Code – 228.319.D*                      Failure to provide means of drying.

**§ 228.321 Showering facilities.**

**(a) Number.** Each individual camp car that provides sleeping facilities must contain a minimum of one shower for a total of one or two occupants and an additional functional shower if the camp car contains a total of three or four occupants.

*Compliance Guidance – § 228.321(a)*

- ✓ Inspect each camp car to ascertain compliance.
- Are sufficient showers provided?

*Defect Code – 228.321.A*                      Failure to equip each camp car with proper number of showers.

**§ 228.321(b) Floors.**

- (1) Shower floors must be constructed of non-slippery materials;
- (2) Floor drains must be provided in all shower baths and shower rooms to remove waste water and facilitate cleaning;
- (3) All junctions of the curbing and the floor must be sealed;
- (4) There shall be no fixed grate or other instrument on the shower floor significantly hindering the cleaning of the shower floor or drain;

*Compliance Guidance – § 228.321(b)(1)–(4)*

- ✓ Inspect each camp car shower to determine compliance.
- Are shower floors nonslip?
- Are floor drains present?
- Are shower curbing and floor junctions properly sealed?

- Are shower floors and drains constructed to permit cleaning (with no fixed grates to interfere with cleaning)?

<i>Defect Code – 228.321.B1</i>	Failure to construct shower floors with non-slippery materials.
<i>Defect Code – 228.321.B2</i>	Failure to provide floor drains in each shower facility.
<i>Defect Code – 228.321.B3</i>	Failure to seal the junctions of the curbing in each shower facility.
<i>Defect Code – 228.321.B4</i>	Failure to provide for adequate cleaning of the shower floor or drain.

**§ 228.321(c) Walls and partitions.** The walls and partitions of a shower room must be smooth and impervious to the height of splash.

*Compliance Guidance – § 228.321(c)*

- ✓ Inspect each camp car shower to determine compliance.
- ✓ “The height of splash” is generally 72 inches above the shower floor or 3 inches above the shower head, whichever is higher.
- Are the walls and partitions of each shower room smooth and impervious to the height of splash?

<i>Defect Code – 228.321.C</i>	Failure to provide smooth and impervious walls and partitions in each shower facility to the height of the splash.
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**§ 228.321(d) Water.** An adequate supply of hot and cold running potable water must be provided for showering purposes. The water supplied to a shower must be from a potable water source supplied through a system maintained as required in § 228.323.

*Compliance Guidance – § 228.321(D)*

- ✓ Hand-test the water temperature in a random number of showers.  
**(The evaluation of the supply system and potability of the water must be determined by evaluation of compliance with § 228.323).**
- Is each shower provided with hot and cold running water?

<i>Defect Code – 228.321.D</i>	Failure to provide hot and cold running potable water for showering purposes.
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**Note: The following combines two interrelated subsections.**

**§ 228.321(e) Showering necessities.** (1) Unless otherwise provided by a collective bargaining agreement, body soap or other appropriate cleansing agent convenient to the showers must be provided.

**§ 228.321(e)(3)** Unless otherwise provided by a collective bargaining agreement, each occupant who uses a shower must be provided with an individual clean towel.

*Compliance Guidance – § 228.321(e)(1) and (3)*

- ✓ Request a copy of the CBA from the carrier and/or the labor organization representing the employees (if any).
- ✓ Inspect each camp car lavatory and speak with occupants to determine if they have adequate supplies of cleansing agents and towels.
  - Does the CBA address provision of cleansing agents?
  - Does the CBA address provision of clean towels?
  - If no CBA applies, is each shower provided with cleansing agents and clean towels?
  - Are they convenient to the showers?

*Defect Code – 228.321.E1*

Failure to provide appropriate cleansing agent.

*Defect Code – 228.321.E3*

Failure to provide each occupant with a clean towel.

**§ 228.321(e)(2)** Showers must be provided with hot and cold water feeding a common discharge line.

*Compliance Guidance – § 228.321(e)(2)*

- Does each shower provide hot and cold water feeding a common discharge line? (This means a shower head connected to a fixture that mixes hot and cold water.)

*Defect Code – 228.321.E2*

Failure to provide hot and cold water feeding a common discharge line.

**§ 228.323 Potable water.**

(a) General requirements. (1) Potable water shall be adequately and conveniently provided to all occupants of a camp car for drinking, personal oral hygiene, washing of person, cooking, washing of foods, washing of cooking or eating utensils, and washing of premises for food preparation or processing.

*Compliance Guidance – § 228.323(a)(1)*

- ✓ This is a general requirement and must be cited after evaluation of the individual elements of compliance in this section finds a majority of the elements are deficient.
- Is potable water adequately and conveniently provided to all occupants of a camp car for drinking, personal oral hygiene, washing of person, cooking, washing of food, washing of cooking or eating utensils, and washing of premises for food preparation or processing?

*Defect Code – 228.323.A1*

Failure to provide potable water in each camp car.

**§ 228.323(a)(2)** Open containers such as barrels, pails, or tanks for drinking water from which the water must be dipped or poured, whether or not they are fitted with a cover, are prohibited.

*Compliance Guidance – § 228.323(a)(2)*

- ✓ Determine by observation and interviews if any open containers are used.
- Are all containers used for providing potable drinking water in the camp cars constructed

in a manner to prevent contamination and not open for common access such as barrels, pails, or open topped tanks?

*Defect Code – 228.323.A2* Failure to provide potable water in appropriate containers.

**§ 228.323(a)(3)** A common drinking cup and other common utensils are prohibited.

*Compliance Guidance – § 228.323(a)(3)*

- ✓ Determine if any common drinking cups or utensils are used by observation and interviews.
- Are all drinking cups or other utensils being used by the occupants for consumption of potable water individually issued, disposable, or cleaned between uses?

*Defect Code – 228.323.A3* Failure to provide individual drinking cups or utensils for use with potable water.

**§ 228.323(b) Potable water source.** (1) If potable water is provided in bottled form, it shall be stored in a manner recommended by the supplier in order to prevent contamination in storage. Bottled water shall not be provided as a substitute for the hot and cold running potable water required to be supplied in lavatories, showers, and sinks under this section. Bottled water shall contain a label identifying the packager and the source of the water.

*Compliance Guidance – § 228.323(b)(1)*

- ✓ Determine if bottled water is stored as recommended. Most bottled water case packaging is printed with storage restrictions such as:
  - “Do not stack more than 10 cases high. Do not double-stack pallets.”
- ✓ Confirm that such instructions are followed by observation.
- ✓ Confirm by observation that the label identifies the packager and source. (Some bottles are labeled by an imprint on the bottle cap rather than an applied label.)
- Is bottled water provided?
- Is bottled water stored in a manner recommended by the supplier?
- Hot and cold running potable water in lavatories, showers, and sinks is not replaced by bottled water?
- Do the bottles or caps contain a label identifying the packager and the source of the water?

*Defect Code – 228.323.B1i* Failure to store provided bottled water according to the suppliers restrictions.

*Defect Code – 228.323.B1ii* Bottled water is provided as a substitute for the hot and cold running potable water in lavatories, showers, and sinks.

*Defect Code – 228.323.B1iii* Bottled water is not properly labeled.



**§ 228.323(b)(2)** If potable water is drawn from a local source, the source must meet the drinking water standards established by the U.S. Environmental Protection Agency under 40 CFR part 141, National Primary Drinking Water Regulations.

*Compliance Guidance – § 228.323(b)(2)*

- ✓ Complete evaluation of § 228.323(b)(6) below for this element.
- Does the source comply?

*Defect Code – 228.323.B2*

Failure to provide potable water that meets the drinking water standards established by the U.S. Environmental Protection Agency under 40 CFR Part 141, National Primary Drinking Water Regulations.

**Note:** The following evaluation element is moved forward since it defines the source certification requirements and the alternative for providing a source certified by the Environmental Protection Agency (EPA) for potable water.

**§ 228.323(b)(6) Certification.** Each time that potable water is drawn from a different local source, the railroad shall obtain a certificate from a State or local health authority indicating that the water from this source is of a quality not less than that prescribed in 40 CFR part 141, National Primary Drinking Water Regulations promulgated by the U.S. Environmental Protection Agency, or obtain such a certificate by a certified laboratory following testing for compliance with those standards. The current certification shall be kept within the camp for the duration of the connection. When the connection is terminated, a copy of each of these records must be submitted promptly to a centralized location for the railroad and maintained for one year from the date the connection was terminated.

*Compliance Guidance – § 228.323(b)(6)*

- ✓ Ask for a copy of the current water source certificate.
- ✓ Ask if the camp keeps copies of previous certificates.
- ✓ When the connection is terminated:
- ✓ Ask how copies of each of these records are submitted to a centralized location for the railroad.
- ✓ Ask how long this normally takes. (“Promptly” is a relative term. For the purpose of guidance, the records should be transmitted within 30 calendar days.)
- ✓ Ask who is responsible for this records transfer.
- Does the railroad have a certificate for the current potable water connection or source?
- Is the current certification available in the camp?
- After connection termination, is a copy submitted promptly to a centralized location for the railroad?
- Is a copy of each of these records maintained for 1 year from the date the connection was terminated?

*Defect Code – 228.323.B6i*

Failure to obtain certificate from the state or local health department.

- Defect Code – 228.323.B6ii* Failure to maintain a signed and dated record within the camp for the duration of the connection.
- Defect Code – 228.323.B6iii* Failure to submit the record to a centralized location upon termination of the connection.

**§ 228.323(b)(3)** All equipment and construction used for supplying potable water to a camp car water system (e.g., a hose, nozzle, or back-flow prevention) shall be approved by the Food and Drug Administration.

*Compliance Guidance – § 228.323(b)(3)*

- ✓ The Food and Drug Administration’s Food Code, Chapter 5, Water, Plumbing, and Waste contains details about the construction of systems and practices involved in storing and distributing potable water. The FDA also approves materials used for food grade containers including tanks and hoses used for storage and distribution of potable water.
- ✓ Inspect the equipment, perform a records check, and speak with railroad officials, occupants, and the FDA if necessary, to ascertain compliance with this part.
- Do the system components comply?

- Defect Code – 228.323.B3* Failure to use systems and equipment that is approved by the Food and Drug Administration.

**§ 228.323(b)(4) Water hydrants.** Each water hydrant, hose, or nozzle used for supplying potable water to a camp car water system shall be inspected prior to use. Each such hose or nozzle used shall be cleaned and sanitized as part of the inspection. A signed, dated record of this inspection shall be kept within the camp for the period of the connection. When the connection is terminated, a copy of each of these records must be submitted promptly to a centralized location for the railroad and maintained for one year from the date the connection was terminated.

*Compliance Guidance – § 228.323(b)(4)*

- ✓ Visually inspect the equipment, perform a records check, and interview railroad officials and occupants to determine compliance.
- Have all water hydrants, hoses, or nozzles used for supplying potable water to the camp car water system been inspected before use?
- Have all hoses or nozzles cleaned and sanitized as part of the inspection?
- Are records of these inspections available?
- Are the records signed and dated and up-to-date for the current connection?
- Have copies of each of these records been submitted promptly to a centralized location for the railroad once the connection was terminated?
- Are copies of each of these records maintained for 1 year from the date the connections were terminated?

- Defect Code – 228.323.B4i* Failure to inspect hydrants, hoses, or nozzles prior to use.
- Defect Code – 228.323.B4ii* Failure to ensure equipment is clean and sanitary during inspection.

<i>Defect Code – 228.323.B4iii</i>	Failure to maintain a current signed and dated record of the inspection.
<i>Defect Code – 228.323.B4iv</i>	Failure to submit copies of these connection records to a centralized location for the railroad.
<i>Defect Code – 228.323.B4v</i>	Failure to maintain records for one year after termination of the connections.

**§ 228.323(b)(5) Training.** Only a trained individual is permitted to fill the potable water systems. Each individual who fills a potable water system shall be trained in–

- (i) The approved method of inspecting, cleaning, and sanitizing hydrants, hoses, and nozzles used for filling potable water systems; and
- (ii) The approved procedures to prevent contamination during watering.

*Compliance Guidance – § 228.323(b)(5)*

- ✓ Ask the camp management to identify the individuals who fill the potable water systems.
- ✓ Ask for a copy of the training program to determine if it covers:
  - The approved method of inspecting, cleaning, and sanitizing hydrants, hoses, and nozzles used for filling potable water systems; and
  - The approved procedures to prevent contamination during watering.
- ✓ A solution for cleaning and sanitizing these devices must have a concentration of chlorine of at least 100 ppm. A solution of 1 tablespoon of unscented, liquid Clorox chlorine bleach per 2 gallons of drinking water will be about 100 ppm. Check the training to see if it has simple mixing instructions similar to this.
- ✓ Interview the designated individuals to see if they are familiar with the contents of the training.
- Has each individual who is permitted to fill the potable water system been trained?
- Does the training cover:
  - The approved method of inspecting, cleaning, and sanitizing hydrants, hoses, and nozzles used for filling potable water systems?
  - The approved procedures to prevent contamination during watering?
  - The correct method for mixing sanitizing solution?

*Defect Code – 228.323.B5* Failure to provide adequate training for those individuals who fill the potable water system.

**§ 228.323(c) Storage and distribution system.**

**(1) Storage.** Potable water shall be stored in sanitary containers that prevent external contaminants from entering the potable water supply. Such contaminants include biological agents or materials and substances that can alter the taste or color or are toxic.

*Compliance Guidance – § 228.323(c)(1)*

- ✓ Inspect the storage tanks and other equipment used to store potable water. Ensure that any relief valves, air inlets, or vents, if present, are fitted with filters.
- ✓ Interview the employee(s) responsible for maintaining the system to find out if these types of fittings are present.

- Is potable water stored in sanitary containers that prevent external contaminants from entering the potable water supply?
- Are any relief valves, air inlets, or vents fitted with filters?

*Defect Code – 228.323.C1* Failure to store potable water in sanitary containers that are properly protected.

**§ 228.323(c)(2) Dispensers.** Potable drinking water dispensers shall be designed, constructed, and serviced so that sanitary conditions are maintained, must be capable of being closed, and shall be equipped with a tap.

*Compliance Guidance – § 228.323(c)(2)*

- ✓ Inspect a random number of the kitchen sinks, and the camp car lavatories and showers to determine the state of sanitation and repair of the plumbing fixtures.
- ✓ Interview occupants to determine how quickly repairs are made when failures occur.
- Are potable drinking water dispensers designed, constructed, and serviced so that sanitary conditions are maintained?
- Are dispensers capable of being closed, and equipped with a tap?

*Defect Code – 228.323.C2* Failure to maintain potable water dispensers in a sanitary and operable state.

**§ 228.323(c)(3) Distribution lines.** The distribution lines must be capable of supplying water at sufficient operating pressures to all taps for normal simultaneous operation.

*Compliance Guidance – § 228.323(c)(3)*

- ✓ Inspect a random number of the kitchen sinks and the camp car lavatories and showers to determine if sufficient pressure is present during simultaneous operation. You may need the assistance of several others to operate taps at the same time. A good rule of thumb is to operate 20 percent of the taps at one time.
- ✓ Interview occupants to determine if they ever experience insufficient pressure when using the systems.
- Are distribution lines capable of supplying water at sufficient operating pressures to all taps for normal simultaneous operation?

*Defect Code – 228.323.C3* Failure to ensure that distribution system can supply water at sufficient operating pressures.

**§ 228.323(c)(4) Flushing.** Each potable water system shall be drained and flushed with a disinfecting solution at least once every 120 days. The railroad shall maintain a record of the draining and flushing of each separate system within the camp for the last two drain and flush cycles. The record shall contain the date of the work and the name(s) of the individual(s) performing the work. The original record shall be maintained with the camp. A copy of each of these records shall be sent to a centralized location for the railroad and maintained for one year.

*Compliance Guidance – § 228.323(c)(4)*

- ✓ Ask for copies of the current records.
- ✓ Interview railroad officials to determine who is responsible for maintaining the records and transmitting the copies.
- ✓ Interview the responsible person to determine the process used to maintain the records and transmit the copies.
- ✓ Contact the centralized location for the railroad and request copies of the records for the previous year.
- Is each potable water system drained and flushed with a disinfecting solution at least once every 120 days?
- Are records of the last two drain-and-flush cycles maintained?
- Do the records contain the date of the work and the name(s) of the individual(s) performing the work?
- Is the original record maintained with the camp?
- Are copies of each of these records sent to a centralized location for the railroad and maintained for 1 year?

*Defect Code – 228.323.C4a1*      Failure to drain and flush potable water system at least once every 120 days.

*Defect Code – 228.323.C4a2*      Failure to maintain records with the required information.

*Defect Code – 228.323.C4a3*      Failure to maintain records at the camp as required.

*Defect Code – 228.323.C4a4*      Failure to transmit records to a centralized location.

*Defect Code – 228.323.C4a5*      Failure to maintain records at the centralized location.

**§ 228.323(c)(4) Flushing. (i)–(iii)**

- (i) The solution used for flushing and disinfection shall be a 100 parts per million by volume (ppm) chlorine solution.
- (ii) The chlorine solution shall be held for one hour in all parts of the system to ensure disinfection.
- (iii) The chlorine solution shall be purged from the system by a complete refilling and draining with fresh potable water.

*Compliance Guidance – § 228.323(c)(4) Flushing. (i)–(iii)*

- ✓ Request a copy of the flushing procedure.
- ✓ Determine how they make up the solution.
- ✓ A solution of 1 tablespoon of unscented, liquid chlorine (Clorox or similar) bleach per 2 gallons of drinking water will be about 100 ppm.
- ✓ Determine if the procedure provides instructions for similar proportions. For example, typical chlorine bleach is 5.25 percent to 6.5 percent chlorine or 52,500 ppm to 65,000 ppm.

These are common measurement conversions:

1 tsp ≈ 5 ml    1 tbsp = 15 ml    1 cup = 16 tbsp = 240 ml    1 US gal = 3,785 ml

Concentrations of mixtures can be calculated as shown here (assumes typical 5.25 percent bleach):

1 tsp/gal = (5 ml X 52,500 ppm) / 3,785 ml = 69 ppm

1 tbsp/gal = (15 ml X 52,500 ppm) / 3,785 ml = 208 ppm

1 tbsp/2 gal = (15 ml X 52,500 ppm) / 7,570 ml = 104 ppm

1 cup/32 gal = (240 ml X 52,500ppm) / 12,1120 ml = 104 ppm

- ✓ Interview the person(s) responsible for maintaining the potable water system.
- ✓ Ask the person(s) responsible to make up a small portion of the flushing solution.
- ✓ Ask the person(s) how they ensure the solution is held for the required time.
- ✓ Ask the person(s) how they ensure the solution is purged from the system after treatment.
- ✓ Use chlorine test strips to determine the concentration.
- Is a copy of the flushing procedure available?
- Is the solution used for flushing and disinfection at least 100 ppm by volume chlorine solution?
- Is the flushing solution held for 1 hour in all parts of the system?
- Is chlorine purged from the system by complete refilling and draining with fresh potable water?

*Defect Code – 228.323.C4i*      Failure to use a flushing and disinfection solution of the proper concentration.

*Defect Code – 228.323.C4ii*      Failure to hold chlorine solution for one hour to ensure disinfection.

*Defect Code – 228.323.C4iii*      Failure to purge the system adequately.

**§ 228.323(c)(4)(iv)** The draining and flushing shall be done more frequently if an occupant reports a taste or health problem associated with the water, or following any plumbing repair.

*Compliance Guidance – § 228.323(c)(4)(iv)*

- ✓ Review the procedures to see how the reports of taste or health are addressed.
- ✓ Ask the person(s) responsible for maintaining the potable water system how often a flush is done for one of these reasons.
- ✓ Ask the person(s) responsible how long after the reports is the flush procedure initiated.
- Is the system drained and flushed promptly after health or taste problem reports or after repairs?

*Defect Code – 228.323.C4iv*      Failure to perform draining and flushing associated with problem reports.

**§ 228.323(c)(5) Reported problems.** Following any report of a taste problem with the water from a system or a health problem resulting from the water in a system, samples of water from each tap or dispensing location on the system shall be collected and sent to a laboratory approved by the U.S. Environmental Protection Agency for testing for heterotrophic plate counts, total coliform, and fecal coliform. If a single sample fails any of these tests, the system must be treated as follows:

- (i) Heterotrophic plate count. Drain and flush the system within two days, and then return it to service.
- (ii) Total coliform. Remove the system from service, drain and flush system, resample the system, and then return the system to service.
- (iii) Fecal coliform. Remove the system from service, drain and flush the system, resample

the system, and do not return the system to service until a satisfactory result on the test of the samples is obtained from the laboratory.

*Compliance Guidance – § 228.323(c)(5)(i)–(iii)*

- ✓ Ask the person(s) responsible for maintaining the potable water system if, and how quickly, they take samples of the water following a bad taste or adverse health event report.
- ✓ Ask how they select where to take the samples.
- ✓ Ask how they decide what to do based on the laboratory findings.
- ✓ Ask to see any laboratory reports associated with past reports of a bad taste or adverse health event.
- ✓ Ask occupants if they are satisfied with the responses to bad taste or adverse health events.
- Are samples collected following a bad taste or adverse health event report as required?
- Do they perform the actions called for depending on the laboratory findings?

<i>Defect Code – 228.323.C5i</i>	Failure to perform potable water sampling and system remediation as required, if a sample fails a heterotrophic plate count.
<i>Defect Code – 228.323.C5ii</i>	Failure to perform potable water sampling and system remediation as required, if a sample fails a total coliform test.
<i>Defect Code – 228.323.C5iii</i>	Failure to perform potable water sampling and system remediation as required, if a sample fails a fecal coliform test.

**§ 228.323(c)(6) Reports.** All laboratory reports pertaining to the water system of the camp car shall be maintained with the car. Within 15 days of the receipt of such a laboratory report, a copy of the report shall be posted for a minimum of 10 calendar days at a conspicuous location within the camp car or cars affected for review by occupants. The report shall be maintained in the camp for the duration of the same connection. When the connection is terminated, the certification must be submitted promptly to a centralized location for the railroad and maintained for one year from the date the connection was terminated.

*Compliance Guidance – § 228.323(c)(6)*

- ✓ Interview occupants and the person(s) who maintain the system to determine if any testing has been done for the current connection.
- ✓ If testing has been done:
  - Determine if the reports are/were posted as required.
  - Request copies of records sent to the centralized location and review the dates when they were sent and if the retention times are appropriate.
- Has any laboratory testing been done for the current connection?  
If Yes:
  - Have all reports of such tests been posted for the required time?
  - Have they been posted within 15 days of receipt?
  - Have they been posted for at least 10 days?

- Have they been sent to the centralized location after the connection was terminated?
- Have they been maintained for 1 year?

*Defect Code – 228.323.C6* Failure to perform the recordkeeping and reporting procedures as required.

**§ 228.323(d) Signage.** Any water outlet/faucet within the camp car facility that supplies water not from a potable source or that is from a potable source but supplied through a system that is not maintained as required in this section, the outlet/faucet must be labeled with a sign, visible to the user and bearing a message to the following effect: “The water is not suitable for human consumption. Do not drink the water.”

*Compliance Guidance – § 228.323(d)*

- ✓ Ask the person(s) responsible for maintaining the potable water system, or railroad officials, if any water is dispensed from nonpotable outlets.
- ✓ Inspect the outlets to determine if proper signs are present.
- Are any water outlets or faucets within the camp car facility connected to a nonpotable source?  
 Yes  No
- Is potable water supplied through a system that is not maintained as required in this section?  
 Yes  No

If **both** are No, go to 228.325; if either is Yes, answer the following:

- Are water outlets or faucets that dispense nonpotable water systems properly labeled as required?

*Defect Code – 228.323.D* Failure to identify non-potable water outlets with required signs.

**§ 228.325 Food service in a camp car or separate kitchen or dining facility in a camp.**

See note under § 228.325(d)(1) below.

**§ 228.325(a) Sanitary storage.** No food or beverage may be stored in a toilet room or in an area exposed to a toxic material.

**§ 228.325(b) Consumption of food or beverage on the premises.** No occupant shall be allowed to consume a food or beverage in a toilet room or in any area exposed to a toxic material.

*Compliance Guidance – § 228.325(a)–(b)*

- ✓ Inspect a random number of the camp car toilet rooms, any storage areas where nonfood items such as lubricants, cleaners, and other potentially hazardous materials are stored to ensure no food is stored there.
- ✓ Inspect the storage areas of the food service cars to ensure no chemicals are stored in the same locations as food.
- ✓ Interview railroad officials and occupants to determine if anyone consumes food in any of these areas.



- ✓ FRA will not take an individual liability against an employee for storing food improperly in a toilet room or similar area. FRA staff will use enforcement discretion, and realize the limits of management in getting their employees not to store food improperly, taking into consideration:
  - Any warnings or notices the railroad gave not to store food in these locations;
  - The amount of space the employee has to store food outside of their “bedrooms”; and
  - Whether they have the ability to store food completely outside their rooms, such as in a common fridge or the kitchen car.
- Is the storage of food or beverage in a toilet room or in an area exposed to a toxic material clearly prohibited?
- Is the consumption of food or beverage in a toilet room or in an area exposed to a toxic material clearly prohibited?

*Defect Code – 228.325.A* Failure to maintain sanitary conditions for food storage. Food and/or beverage stored in a toilet room or area exposed to toxic material.

*Defect Code – 228.325.B* Failure to maintain sanitary conditions for food consumption. Food and/or beverage consumed in a toilet room or area exposed to toxic material.

**§ 228.325(c) Kitchens, dining halls, and feeding facilities.** (1) In each camp car where central dining operations are provided by the railroad or its contractor(s) or subcontractor(s), the food handling facilities shall be maintained in a clean and sanitary condition. See § 228.323, Potable water, generally.

- (i) All surfaces used for food preparation shall be disinfected after each use.
- (ii) The disinfection process shall include removal of chemical disinfectants that would adulterate foods prepared subsequent to disinfection.

*Compliance Guidance – § 228.325(c)(1)(i)–(ii)*

- Does the railroad or its contractor(s) or subcontractor(s) provide central dining operations in camp cars?  
 Yes  No

If Yes, do the following; if No, go to 228.329(a).

- ✓ Interview the food service personnel about their disinfection procedures.
- ✓ Most food service facilities use a wiping cloth soaked in a sanitizing solution to wipe down work surfaces. Ask for a demonstration. Ask them what they use for a sanitizing solution.
- ✓ Most food service facilities use either a 50–100 ppm chlorine solution or a quaternary ammonia compound (quat) with a concentration of 150–400 ppm.
- ✓ Use test strips specific to the compound used to test the concentration. See the discussion above under § 228.323(c)(4) about how to calculate chlorine concentrations. Quaternary ammonia compound packaging typically contains specific instructions for making up the proper concentrations.
- ✓ Ask for a copy of the Material Safety Data Sheet (MSDS) or note the name of the manufacturer, product name, and any other label information to allow us to get an MSDS later.

- Are the food handling facilities maintained in a clean and sanitary condition?
- Are all food preparation surfaces disinfected after each use?
- Are the disinfectants removed to prevent food adulteration?

*Defect Code – 228.325.C1* Failure to maintain clean and sanitary conditions in food handling facilities.

*Defect Code – 228.325.C1i* Failure to disinfect food preparation surfaces after each use.

*Defect Code – 228.325.C1ii* Failure to remove chemical disinfectants.

**§ 228.325(c)(2)** All perishable food shall be stored either under refrigeration or in a freezer. Refrigeration and freezer facilities shall be provided with a means to monitor temperature to ensure proper temperatures are maintained. The temperature of refrigerators shall be maintained at 40 °F or below; the temperature of freezers shall be maintained at 0 °F or below at all times.

*Compliance Guidance – § 228.325(c)(2)*

- ✓ Do a visual inspection and speak with occupants.
- ✓ Test the temperature with a calibrated quick response thermometer.
- Is all perishable food stored either under refrigeration or in a freezer?
- Do the refrigerators and/or freezers have temperature gauges?
- Are refrigerators maintained at 40° F or below?
- Are the freezers maintained at 0° F or below?

*Defect Code – 228.325.C2* Failure to maintain food temperatures within the ranges specified.

**§ 228.325(c)(3)** All non-perishable food shall be stored to prevent vermin and insect infestation.

*Compliance Guidance – § 228.325(c)(3)*

- ✓ Inspect cabinets and other storage locations for physical integrity. There must be no holes, gaps, or other openings that would permit the entry of mice or bugs. A mouse can get through a space as small as one-quarter inch in diameter (about the size of a wooden pencil) and can jump 12 or more inches straight up.
- ✓ Inspect the inside of the cabinets and the containers and packages within the storage locations for evidence of infestation such as live or dead bugs, insect eggs, mouse droppings, etc.
- Are storage locations and cabinets free of holes, gaps, or other openings that would permit the entry of mice or bugs in the storage locations?
- Are storage locations and cabinets free of evidence of infestation such as live or dead bugs, insect eggs, or mouse droppings?

*Defect Code – 228.325.C3* Failure to store non-perishable food items to prevent vermin and insect infestation.

§ 228.325(c)(4) (i)–(ii) All food waste disposal containers shall be constructed to prevent vermin and insect infestation.

- (i) All food waste disposal containers used within a camp car shall be emptied after each meal, or at least every four hours, whichever period is less.
- (ii) All food waste disposal containers used outside a camp car shall be located to prevent offensive odors from entering the sleeping quarters.

*Compliance Guidance – § 228.325(c)(4)(i)–(ii)*

- ✓ Inspect the containers and interview the food service personnel and the occupants.
- Are all food waste disposal containers intact and fitted with covers to prevent infestation?
- Are the containers emptied within the required time frames?
- Are any containers used outside located to prevent offensive odors from entering the sleeper camp cars?

*Defect Code – 228.325.C4* Failure to utilize properly constructed food waste containers.

*Defect Code – 228.325.C4i* Failure to empty food waste containers as required.

*Defect Code – 228.325.C4ii* Failure to locate food waste containers appropriately.

§ 228.325(c)(4)(iii)–(iv)

- (iii) All kitchen area camp car sinks used for food washing and preparation and all kitchen area floor drains shall be connected to a public sewer where available and practicable, unless the car is equipped with a holding tank that is emptied in a sanitary manner. For kitchen area sinks and floor drains identified in this paragraph (c)(4)(iii) connected to a holding tank, the tank must be constructed in a manner that prevents vermin from entry into the tank or odors from escaping into any camp car.
- (iv) The sewage disposal method must not endanger the health of occupants.

*Compliance Guidance – § 228.325(c)(4)(iii)–(iv)*

- ✓ Perform a visual inspection and interview managers and employees.
- Are the kitchen sinks and floor drains connected to a public sewer?  
 Yes  No

If Yes, does the connection prevent release of any sewage?

If No, are the kitchen sinks and floor drains connected to a holding tank?

Yes  No

If Yes, answer the following; if No, go to 228.325(c)(5).

- Is the holding tank emptied in a sanitary manner?

*Defect Code – 228.325.C4iii* Failure to connect sinks and drains to a public sewer if available, or a holding tank that is emptied into a sanitary sewer.

*Defect Code – 228.325.C4iv* Failure to maintain a sewage disposal method that does not endanger the health of occupants.

§ 228.325(c)(5) When a separate kitchen or dining hall car is provided, there must be a closeable door between the living or sleeping quarters into a kitchen or dining hall car.

*Compliance Guidance – § 228.325(c)(5)*

- ✓ Perform a visual inspection.
- Do any of the camp cars have a kitchen or dining hall in the same car as living or sleeping quarters?  
 Yes  No

If Yes, answer the following; if No, go to 228.325(d).

- Is there a closeable door between the living or sleeping quarters and the kitchen or dining hall?

*Defect Code – 228.325.C5*      Failure to maintain a closeable door between the living or sleeping quarters into a kitchen or dining hall car.

§ 228.325(d) Food handling. (1) All food service facilities and operations for occupants of a camp car by the railroad or its contractor(s) or subcontractor(s) shall be carried out in accordance with sound hygienic principles. In all places of employment where all or part of the food service is provided, the food dispensed must be wholesome, free from spoilage, and must be processed, prepared, handled, and stored in such a manner as to be protected against contamination. See § 228.323, Potable water, generally.

*Compliance Guidance – § 228.325(d)(1)*

**Note:** This is an overarching requirement that encompasses practices evaluated in § 228.325(a) through § 228.325(c) as well as § 228.325(d)(2) below. This defect code will be used if any of the cited sections are identified as being noncompliant.

- ✓ Perform a visual inspection and interview occupants.
- Is the food free from spoilage?
- Is the food processed, prepared, handled, and stored protected against contamination?

*Defect Code – 228.325.D1*      Failure to carry out food service operations with sound hygienic principles.

§ 228.325(d)(2) No person with any disease communicable through contact with food or a food preparation item may be employed or permitted to work in the preparation, cooking, serving, or other handling of food, foodstuffs, or a material used therein, in a kitchen or dining facility operated in or in connection with a camp car.

*Compliance Guidance – § 228.325(d)(2)*

- ✓ Observe and interview food service personnel and interview camp occupants and management.
- ✓ Signs or symptoms of illness include paleness, unusual skin color (yellowish), unusual flushing, excessive sweating, shakiness, complaints of headaches, coughing sneezing, etc.

**Note: This is a sensitive issue, so be discreet and do not reveal findings to anyone in the camp. Consult with the Office of Chief Counsel and the Medical Director before issuing a defect finding.**

- Has anyone involved with the food service activities shown signs or symptoms of, or been diagnosed with, any disease communicable through contact with food or a food preparation item?

*Defect Code – 228.325.D2* Failure to ensure no person with a communicable disease works in the food service or dining facility operated in, or in connection with, a camp car.

§ 228.325(e) The limitations of paragraphs (c) and (d) of this section do not apply to food service from restaurants near the camp car consist that are subject to State law.

*Compliance Guidance – § 228.325(e)*  
Exclusionary language to limit application to railroad camp car food services facilities.

*Defect Code – None.*

### § 228.327 Waste collection and disposal.

**(a) General disposal requirements.** All sweepings, solid or liquid wastes, refuse, and garbage in a camp must be removed in such a manner as to avoid creating a menace to health and as often as necessary or appropriate to maintain a sanitary condition.

*Compliance Guidance – § 228.327(a)*

- ✓ Perform an inspection and interview managers and employees.
- Are waste and garbage being removed in a timely manner?
- Is there a schedule or minimum timeframe established by the camp to remove waste?
- Is the schedule being followed?

*Defect Code – 228.327.A* Failure to remove all sweepings, solid or liquid wastes, refuse, and garbage in such a manner to maintain sanitary conditions.

§ 228.327(b) **General waste receptacles.** Any exterior receptacle used for putrescible solid or liquid waste or refuse in a camp shall be so constructed that it does not leak and may be thoroughly cleaned and maintained in a sanitary condition. Such a receptacle must be equipped with a solid tight-fitting cover, unless it can be maintained in a sanitary condition without a cover. This requirement does not prohibit the use of receptacles designed to permit the maintenance of a sanitary condition without regard to the aforementioned requirements.

*Compliance Guidance – § 228.327(b)*

- ✓ Inspect containers for evidence of current or past leaks and good fitting covers.
- ✓ Interview occupants to determine if these conditions are maintained.

- Are waste receptacles equipped with a solid tight-fitting cover?

OR

- Can waste receptacles be maintained in a sanitary condition without a cover?
- Are damaged or leaking containers repaired or replaced as necessary?

*Defect Code – 228.327.B*

Failure to construct and maintain exterior receptacles used for putrescible solids and liquids as required by this part.

**§ 228.327(c) Food waste disposal containers provided for the interior of camp cars.** An adequate number of receptacles constructed of smooth, corrosion resistant, easily cleanable, or disposable materials, must be provided and used for the disposal of waste food. Receptacles must be provided with a solid, tight-fitting cover unless sanitary conditions can be maintained without use of a cover. The number, size, and location of such receptacles must encourage their use and not result in overfilling. They must be emptied regularly and maintained in a clean, safe, and sanitary condition.

*Compliance Guidance – § 228.327(c)*

- ✓ This section applies to food service cars, not to camp cars provided as sleeping quarters.
- ✓ Visually inspect the location and condition of the containers.
- ✓ Material such as plastic, galvanized steel, plastic-lined heavy paper or similar materials are acceptable.
- ✓ Paper containers should be removed to outside storage more frequently (for example, after each meal period).
- ✓ Interview occupants to determine if the conditions observed are typical.
- Are there an adequate number of food waste disposal containers present?
- Are the containers constructed of smooth, corrosion resistant, easily cleanable, or disposable materials?
- If used, are paper containers removed to outside storage more frequently—for example, after each meal period?
- Are all containers that are not disposable fitted with proper covers?
- Are the number, size, and location of such receptacles adequate for the intended use and the population served?
- Is there any evidence of overfilling?
- Are they emptied regularly?
- Are they maintained in a clean, safe, and sanitary condition?

*Defect Code – 228.327.C*

Failure to provide an adequate number of clean, safe, and sanitary waste receptacles equipped with a solid, tight-fitting cover within each camp car.

### **§ 228.329 Housekeeping.**

(a) A camp car must be kept clean to the extent allowed by the nature of the work performed by the occupants of the camp car.

*Compliance Guidance – § 228.329(a)*

- ✓ Perform a visual inspection and speak with occupants.
- Is each camp car kept reasonably clean?
- Do occupants have tools and supplies to keep their spaces clean?

*Defect Code – 228.329.A*

Failure to maintain camp car in clean condition to the extent allowed by the work performed.

**§ 228.329(b)** To facilitate cleaning, every floor, working place, and passageway must be kept free from protruding nails, splinters, loose boards, and unnecessary holes and openings.

*Compliance Guidance – § 228.329(b)*

- ✓ Inspect each car to determine the condition of the walls and walking surfaces.
- ✓ Interview occupants to determine if unacceptable conditions occur and how quickly they are repaired.
- Are walking surfaces and walls in good shape and free of prohibited flaws?

*Defect Code – 228.329.B*

Failure to maintain floor, working space, and passageway free from protruding nails, splinters, loose boards, and unnecessary holes and openings.

**§ 228.331 First aid and life safety.**

(a) An adequate first aid kit must be maintained and made available for occupants of a camp car for the emergency treatment of an injured person.

**§ 228.331(b)** The contents of the first aid kit shall be placed in a weatherproof container with individual sealed packages for each type of item, and shall be checked at least weekly when the camp car is occupied to ensure that the expended items are replaced. The first aid kit shall contain, at a minimum, the following:

- (1) Two small gauze pads (at least 4 x 4 inches);
- (2) Two large gauze pads (at least 8 x 10 inches);
- (3) Two adhesive bandages;
- (4) Two triangular bandages;
- (5) One package of gauge roller bandage that is at least 2 inches wide;
- (6) Wound cleaning agent, such as sealed moistened towelettes;
- (7) One pair of scissors;
- (8) One set of tweezers;
- (9) One roll of adhesive tape;
- (10) Two pairs of latex gloves; and
- (11) One resuscitation mask.

*Compliance Guidance – § 228.331(a) and (b)*

- ✓ Inspect a random number of camp cars and the first aid kits in them to determine compliance.
- ✓ Interview the occupants and managers to determine how the first aid kits' contents are maintained.

- Does each camp car have a first aid kit?
- Is the kit in a weatherproof container?
- Does each kit have individual sealed packages for each type of item required?
- Does the kit contain the number of the items required?
- Are the kits checked at least weekly when the camp car is occupied to ensure that the expended items are replaced?

*Defect Code – 228.331.A*

Failure to maintain an adequate first aid kit as required.

*Defect Code – 228.331.B*

Failure to maintain an adequate first aid kit placed in a weatherproof container with individual sealed packages for each item, and checked at least weekly. Failure to maintain an adequate number of the first aid items required by this part.

**§ 228.331(c)** Each sleeping room shall be equipped with the following:

- (1) A functional portable Type ABC fire extinguisher; and
- (2) Either a functional smoke alarm and a carbon monoxide alarm, or a functional combined smoke-carbon-monoxide alarm.

*Compliance Guidance – § 228.331(c)*

- ✓ Inspect a random number of camp cars and determine if they have fire extinguishers and smoke/carbon-monoxide (CO) alarms.
- ✓ Inspect the fire extinguishers to determine if they are charged and ready.
- Are all sleeping rooms equipped with the proper type of fire extinguisher?
- Are all sleeping rooms equipped with a functional smoke alarm and CO alarm or with a combined smoke/CO alarm?

*Defect Code – 228.331.C1*

Failure to equip each sleeping room with a functional portable Type ABC fire extinguisher.

*Defect Code – 228.331.C2*

Failure to equip each sleeping room with a functional smoke/CO alarm.

**§ 228.331(d)** Each camp car consist shall have an emergency preparedness plan prominently displayed so all occupants of the camp car consist can view it at their convenience. The plan shall address the following subjects for each location where the camp car consist is used to house railroad employees or MOW workers:

- (1) The means used to be aware of and notify all occupants of impending weather threats, including thunderstorms, tornados, hurricanes, floods, and other major weather-related risks;
- (2) Shelter-in-place and emergency and evacuation instructions for each of the specific threats identified; and
- (3) The address and telephone number of the nearest emergency medical facility and directions on how to get there from the camp car consist.



*Compliance Guidance – § 228.331(d)*

- ✓ Interview occupants to determine the location of the plan.
- ✓ Inspect the plan to ensure it has items that address all the required circumstances.
- Does the camp car consist have an emergency preparedness plan?
- Is it displayed in a location where all occupants of the camp car consist can view it at their convenience?
- Does the plan contain information that addresses each of the emergency situations required?

*Defect Code – 228.331.D1*      Failure to display an emergency preparedness plan in each camp car consist.

*Defect Code – 228.331.D2*      Failure of the emergency preparedness plan to adequately address the subjects required.

**§ 228.333 Remedial action.**

A railroad shall, within 24 hours after receiving a good faith notice from a camp car occupant or an employee labor organization representing camp car occupants or notice from a Federal Railroad Administration inspector, including a certified State inspector under part 212 of this chapter, of noncompliance with this subpart, correct each non-complying condition on the camp car or cease use of the camp car as sleeping quarters for each occupant. In the event that such a condition affects the safety or health of an occupant, such as, but not limited to, water, cooling, heating, or eating facilities, sanitation issues related to food storage, food handling or sewage disposal, vermin or pest infestation, or electrical hazards, the railroad must immediately upon notice provide alternative arrangements for housing and providing food to the employee or MOW worker until the condition adverse to the safety or health of the occupant(s) is corrected.

*Compliance Guidance – § 228.333*

- Has the railroad received any good faith notices of noncompliance?  
 Yes  No

If Yes, answer the following; if No, go to 228.335(a).

- Has the railroad promptly responded to good faith notices of noncompliance as required?
- Were the identified conditions corrected within 24 hours of the notice?

OR

- Was the car taken out of service within 24 hours of the notice?
- Was the condition such that it required the provision of alternative arrangements?  
 Yes  No

If Yes, answer the following; if No, go to 228.335(a).

- Were the occupants provided alternative arrangements?

*Defect Code – 228.333.A1*      Failure to take remedial action to correct non-complying conditions within the required time frame.

*Defect Code – 228.333.A2*      Failure to provide alternative accommodations or food service while remedial actions are completed.

**§ 228.335 Electronic recordkeeping.**

(a) Each railroad shall keep records as required by § 228.323 either–

- (1) On paper forms provided by the railroad, or
- (2) By electronic means that conform with the requirements of subpart D of this part.

*Compliance Guidance – § 228.335(a)*

- ✓ Request and inspect records including:
  - Water source certificates,
  - Noise monitoring records,
  - Local emergency plans,
  - Potable water system cleaning and flushing records,
  - Potable water laboratory test reports.
- Does the railroad keep records as required by § 228.323 either–
  - On paper forms provided by the railroad, or
  - By electronic means that conform with the requirements of Subpart D of this part?

*Defect Code – 228.335.A*

Failure to keep records as required either on paper forms or by electronic means that conform with the requirements of subpart D of this part.

**§ 228.335(b)** Records required to be kept shall be made available to the Federal Railroad Administration as provided by 49 U.S.C. 20107.

*Compliance Guidance – § 228.335(b)*

- ✓ Request copies, or access to, the local records required to be kept.
- ✓ Speak with railroad officials to determine the location of the centralized records archive.
- ✓ Arrange to have the centralized records archive visited for a records review to determine compliance.
- Are the required local records kept/displayed in the camp?
- Are they made available to the FRA?
- Are the required records copies maintained by the railroad at a central location?
- Are they made available to the FRA?

*Defect Code – 228.335.B*

Failure to make required records available to the Federal Railroad Administration as required.

# **Appendix A**

**Excerpts From 40 CFR Part 141  
National Primary Drinking Water Regulations for  
Maximum Allowable Concentrations (MACs)  
Applicable to Potable Water Testing**



**These excerpts from the standard show the citations where the standards are set.  
All of the individual section tables are combined in a single table at the end of this appendix.**

### **Subpart B—Maximum Contaminant Levels**

#### **§ 141.11 Maximum contaminant levels for inorganic chemicals.**

- (a) The maximum contaminant level for arsenic applies only to community water systems. The analyses and determination of compliance with the 0.05 milligrams per liter maximum contaminant level for arsenic use the requirements of § 141.23.
- (b) The maximum contaminant level for arsenic is 0.05 milligrams per liter for community water systems until January 23, 2006.
- (c) [Reserved]
- (d) At the discretion of the State, nitrate levels not to exceed 20 mg/l may be allowed in a non-community water system if the supplier of water demonstrates to the satisfaction of the State that:
- (1) Such water will not be available to children under 6 months of age; and
  - (2) The non-community water system is meeting the public notification requirements under § 141.209, including continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure; and
  - (3) Local and State public health authorities will be notified annually of nitrate levels that exceed 10 mg/l; and
  - (4) No adverse health effects shall result.

#### **§ 141.13 Maximum contaminant levels for turbidity.**

The maximum contaminant levels for turbidity are applicable to both community water systems and non-community water systems using surface water sources in whole or in part. The maximum contaminant levels for turbidity in drinking water, measured at a representative entry point(s) to the distribution system, are:

- (a) One turbidity unit (TU), as determined by a monthly average pursuant to § 141.22, except that five or fewer turbidity units may be allowed if the supplier of water can demonstrate to the State that the higher turbidity does not do any of the following:
- (1) Interfere with disinfection;
  - (2) Prevent maintenance of an effective disinfectant agent throughout the distribution system; or
  - (3) Interfere with microbiological determinations.
- (b) Five turbidity units based on an average for two consecutive days pursuant to § 141.22.

### **Subpart C—Monitoring and Analytical Requirements**

#### **§ 141.21 Coliform sampling.**

(a) *Routine monitoring.* ...

(b) *Repeat monitoring.* (1) If a routine sample is total coliform-positive, the public water system must collect a set of repeat samples within 24 hours of being notified of the positive result. A system which collects more than one routine sample/month must collect no fewer than three repeat samples for each total coliform-positive sample found. A system which collects one routine sample/month or fewer must collect no fewer than four repeat samples for each total coliform-positive sample found.

.... The system must repeat this process until either total coliforms are not detected in one complete set of repeat samples or the system determines that the MCL for total coliforms in

§ 141.63 has been exceeded and notifies the State.

**§ 141.61 Maximum contaminant levels for organic contaminants.**

**§ 141.61(a)** The following maximum contaminant levels for organic contaminants apply to community and non-transient, non-community water systems.

	CAS No.	Contaminant	MCL (mg/l)
(1)	75-01-4	Vinyl chloride	0.002
(2)	71-43-2	Benzene	0.005
(3)	56-23-5	Carbon tetrachloride	0.005
(4)	107-06-2	1,2-Dichloroethane	0.005
(5)	79-01-6	Trichloroethylene	0.005
(6)	106-46-7	para-Dichlorobenzene	0.075
(7)	75-35-4	1,1-Dichloroethylene	0.007
(8)	71-55-6	1,1,1-Trichloroethane	0.2
(9)	156-59-2	cis-1,2-Dichloroethylene	0.07
(10)	78-87-5	1,2-Dichloropropane	0.005
(11)	100-41-4	Ethylbenzene	0.7
(12)	108-90-7	Monochlorobenzene	0.1
(13)	95-50-1	o-Dichlorobenzene	0.6
(14)	100-42-5	Styrene	0.1
(15)	127-18-4	Tetrachloroethylene	0.005
(16)	108-88-3	Toluene	1
(17)	156-60-5	trans-1,2-Dichloroethylene	0.1
(18)	1330-20-7	Xylenes (total)	10
(19)	75-09-2	Dichloromethane	0.005
(20)	120-82-1	1,2,4-Trichloro- benzene	0.07
(21)	79-00-5	1,1,2-Trichloro- ethane	0.005

**§ 141.62 Maximum contaminant levels for inorganic contaminants.**

**§ 141.62(b)** The maximum contaminant levels for inorganic contaminants specified in paragraphs (b) (2)–(6), (b)(10), and (b) (11)–(16) of this section apply to community water systems and non-transient, non-community water systems. The maximum contaminant level

specified in paragraph (b)(1) of this section only applies to community water systems. The maximum contaminant levels specified in (b)(7), (b)(8), and (b)(9) of this section apply to community water systems; non-transient, noncommunity water systems; and transient non-community water systems.

	Contaminant	MCL (mg/l)
(1)	Fluoride	4.0
(2)	Asbestos	7 Million Fibers/liter (longer than 10 $\mu$ m)
(3)	Barium	2
(4)	Cadmium	0.005
(5)	Chromium	0.1
(6)	Mercury	0.002
(7)	Nitrate	10 (as Nitrogen)
(8)	Nitrite	1 (as Nitrogen)
(9)	Total Nitrate and Nitrite	10 (as Nitrogen)
(10)	Selenium	0.05
(11)	Antimony	0.006
(12)	Beryllium	0.004
(13)	Cyanide (as free Cyanide)	0.2
(14)	[Reserved].	
(15)	Thallium	0.002
(16)	Arsenic	0.010

**§ 141.63 Maximum contaminant levels (MCLs) for microbiological contaminants.**

- (a) The MCL is based on the presence or absence of total coliforms in a sample, rather than coliform density.
  - (1) For a system which collects at least 40 samples per month, if no more than 5.0 percent of the samples collected during a month are total coliform-positive, the system is in compliance with the MCL for total coliforms.
  - (2) For a system which collects fewer than 40 samples/month, if no more than one sample collected during a month is total coliform-positive, the system is in compliance with the MCL for total coliforms.
- (b) Any fecal coliform-positive repeat sample or *E. coli*-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform positive or *E. coli*-positive routine sample constitutes a violation of the MCL for total coliforms. For purposes of the public

notification requirements in subpart Q, this is a violation that may pose an acute risk to health.

(c) A public water system must determine compliance with the MCL for total coliforms in

	Disinfectant residual	MRDL (mg/L)
(1)	Chlorine	4.0 (as Cl <sub>2</sub> ).
(2)	Chloramines	4.0 (as Cl <sub>2</sub> ).
(3)	Chlorine dioxide	0.8 (as ClO <sub>2</sub> ).

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n for each month in which it is required to monitor for total coliforms.

**§ 141.64 Maximum contaminant levels for disinfection byproducts.**

**(a) Bromate and chlorite.**

The maximum contaminant levels (MCLs) for bromate and chlorite are as follows:

	Disinfection byproduct	MCL (mg/L)
(1)	Bromate	0.010
(2)	Chlorite	1.0

**(b) TTHM and HAA5. (1) Subpart L— RAA compliance.**

(i) Compliance dates. Subpart H systems serving 10,000 or more persons must comply with this paragraph (b)(1) beginning January 1, 2002. Subpart H systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water must comply with this paragraph (b)(1) beginning January 1, 2004. All systems must comply with these MCLs until the date specified for subpart V compliance in § 141.620(c).

	Disinfection byproduct	MCL (mg/L)
(1)	Total trihalomethanes (TTHM)	0.080
(2)	Haloacetic acids (five) (HAA5)	0.060

**§ 141.65 Maximum residual disinfectant levels.**

(a) Maximum residual disinfectant levels (MRDLs) are as follows:



## MAXIMUM CONTAMINANT LEVELS

	CAS No.	Contaminant	MCL (mg/l)
<b>Part 141.11</b>			
(1)	7440-38-2	Arsenic	0.05
(2)	84145-82-4	Nitrate	20
<b>Part 141.13</b>			
(3)	NA	Turbidity	1 TU (see Part 141.13)
<b>Part 141.21&amp;63</b>			
(4)	NA	Coliform	See Part 141.21
<b>Part 141.62(b)</b>			
(5)	75-01-4	Vinyl chloride	0.002
(6)	71-43-2	Benzene	0.005
(7)	56-23-5	Carbon tetrachloride	0.005
(8)	107-06-2	1,2-Dichloroethane	0.005
(9)	79-01-6	Trichloroethylene	0.005
(10)	106-46-7	para-Dichlorobenzene	0.075
(11)	75-35-4	1,1-Dichloroethylene	0.007
(12)	71-55-6	1,1,1-Trichloroethane	0.2
(13)	156-59-2	cis-1,2-Dichloroethylene	0.07
(14)	78-87-5	1,2-Dichloropropane	0.005
(15)	100-41-4	Ethylbenzene	0.7
(16)	108-90-7	Monochlorobenzene	0.1
(17)	95-50-1	o-Dichlorobenzene	0.6
(18)	100-42-5	Styrene	0.1
(19)	127-18-4	Tetrachloroethylene	0.005
(20)	108-88-3	Toluene	1
(21)	156-60-5	trans-1,2-Dichloroethylene	0.1
(22)	1330-20-7	Xylenes (total)	10
(23)	75-09-2	Dichloromethane	0.005
(24)	120-82-1	1,2,4-Trichloro- benzene	0.07
(25)	75-01-4	Vinyl chloride	0.002
	CAS No.	Contaminant	MCL (mg/l)
(26)	71-43-2	Benzene	0.005

(27)	56-23-5	Carbon tetrachloride	0.005
(28)	107-06-2	1,2-Dichloroethane	0.005
(29)	79-01-6	Trichloroethylene	0.005
(30)	106-46-7	para-Dichlorobenzene	0.075
(31)	75-35-4	1,1-Dichloroethylene	0.007
(32)	71-55-6	1,1,1-Trichloroethane	0.2
(33)	156-59-2	cis-1,2-Dichloroethylene	0.07
(34)	78-87-5	1,2-Dichloropropane	0.005
(35)	100-41-4	Ethylbenzene	0.7
(36)	108-90-7	Monochlorobenzene	0.1
(37)	95-50-1	o-Dichlorobenzene	0.6
(38)	100-42-5	Styrene	0.1
(39)	127-18-4	Tetrachloroethylene	0.005
(40)	108-88-3	Toluene	1
(41)	156-60-5	trans-1,2-Dichloroethylene	0.1
(42)	1330-20-7	Xylenes (total)	10
(43)	75-09-2	Dichloromethane	0.005
(44)	120-82-1	1,2,4-Trichloro- benzene	0.07
(45)	79-00-5	1,1,2-Trichloro- ethane	0.005
(46)	16984-48-8	Fluoride	4.0
(47)	77536-66-4	Asbestos	7 Million Fibers/liter (longer than 10 µm)
(48)	7440-39-3	Barium	2
(49)	7440-43-9	Cadmium	0.005
(50)	7440-47-3	Chromium	0.1
(51)	7439-97-6	Mercury	0.002
(52)	84145-82-4	Nitrate	10 (as Nitrogen)
(53)	14797-65-0	Nitrite	1 (as Nitrogen)
(54)	14797-65-0	Total Nitrate and Nitrite	10 (as Nitrogen)
(55)	7782-49-2	Selenium	0.05
(56)	7440-36-0	Antimony	0.006
	CAS No.	Contaminant	MCL (mg/l)
(57)	7440-41-7	Beryllium	0.004
(58)	74-90-8	Cyanide (as free Cyanide)	0.2
(59)		[Reserved].	

(60)	7440-28-0	Thallium	0.002
<b>Part 141.64</b>			
(61)	15541-45-4	Bromate	0.010
(62)	16887-00-6	Chlorite	1.0
(63)	67-66-3	Total trihalomethanes (TTHM)	0.080
(64)	79-11-8	Haloacetic acids (five) (HAA5)	0.060
<b>Part 141.65</b>			
(65)	7782-50-5	Chlorine	4.0 (as Cl <sub>2</sub> ).
(66)	55-86-7	Chloramines	4.0 (as Cl <sub>2</sub> ).
(67)	10049-04-4	Chlorine dioxide	0.8 (as ClO <sub>2</sub> ).



# **Appendix B**

**First Aid Kit Contents  
from  
49 CFR Part 228.331(b)**



The contents of the first aid kit shall be placed in a weatherproof container with individual sealed packages for each type of item, and shall be checked at least weekly when the camp car is occupied to ensure that the expended items are replaced.

The first aid kit shall contain, at a minimum, the following:

- (1) Two small gauze pads (at least 4 x 4 inches);
- (2) Two large gauze pads (at least 8 x 10 inches);
- (3) Two adhesive bandages;
- (4) Two triangular bandages;
- (5) One package of gauze roller bandage that is at least 2 inches wide;
- (6) Wound cleaning agent, such as sealed moistened towelettes;
- (7) One pair of scissors;
- (8) One set of tweezers;
- (9) One roll of adhesive tape;
- (10) Two pairs of latex gloves; and
- (11) One resuscitation mask.





# **Appendix C**

**76 FR 67073**

**Federal Register Final Rule**

**49 CFR Part 228**

**Safety and Health Requirements Related to Camp Cars**



Sorenson's Petition for Reconsideration *is granted*, to the extent provided in FCC 11–155. AT&T's Petition for Reconsideration *is denied*.

Part 64 of the Commission's rules *is amended*.

The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of document FCC 11–155, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

#### List of Subjects in 47 CFR Part 64

Individuals with disabilities, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

**Marlene H. Dortch**,  
Secretary.

#### Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

#### PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

- 1. The authority citation for part 64 is revised to read as follows:

**Authority:** 47 U.S.C. 154, 254(k), 227; secs. 403(b)(2)(B), (c), Pub. L. 104–104, 100 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 222, 225, 226, 207, 228, 254(k), 616, and 620, unless otherwise noted.

#### Subpart F—Telecommunications Relay Services and Related Customer Premises Equipment for Persons With Disabilities

- 2. The authority citation for subpart F is revised to read as follows:

**Authority:** 47 U.S.C. 151–154; 225, 255, 303(r), 616 and 620.

- 3. Section 64.606 is amended by revising paragraphs (a)(2)(ii)(A)(4) and (5), by adding paragraphs (a)(2)(ii)(A)(6) through (8), and by revising paragraph (a)(2)(ii)(E) to read as follows:

#### § 64.606 Internet-based TRS provider and TRS program certification.

- (a) \* \* \*  
(2) \* \* \*  
(ii) \* \* \*  
(A) \* \* \*

(4) A description of the technology and equipment used to support their call center functions—including, but not limited to, automatic call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS Fund, and registration—and for each core function of each call center for

which the applicant must provide a copy of technology and equipment proofs of purchase, leases or license agreements in accordance with paragraphs (a)(2)(ii)(A)(5) through (7) of this section, a statement whether such technology and equipment is owned, leased or licensed (and from whom if leased or licensed);

(5) Operating five or fewer call centers within the United States, a copy of each proof of purchase, lease or license agreement for all technology and equipment used to support their call center functions for each call center operated by the applicant within the United States;

(6) Operating more than five call centers within the United States, a copy of each proof of purchase, lease or license agreement for technology and equipment used to support their call center functions for a representative sampling (taking into account size (by number of communications assistants) and location) of five call centers operated by the applicant within the United States; a copy of each proof of purchase, lease or license agreement for technology and equipment used to support their call center functions for all call centers operated by the applicant within the United States must be retained by the applicant for three years from the date of the application, and submitted to the Commission upon request;

(7) Operating call centers outside of the United States, a copy of each proof of purchase, lease or license agreement for all technology and equipment used to support their call center functions for each call center operated by the applicant outside of the United States; and

(8) A complete copy of each lease or license agreement for automatic call distribution.

\* \* \* \* \*

(E) For all applicants, a list of all sponsorship arrangements relating to Internet-based TRS, including on that list a description of any associated written agreements; copies of all such arrangements and agreements must be retained by the applicant for three years from the date of the application, and submitted to the Commission upon request;

\* \* \* \* \*

[FR Doc. 2011–28135 Filed 10–28–11; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Part 228

[Docket No. FRA–2009–0042, Notice No. 2]

RIN 2130–AC13

#### Safety and Health Requirements Related to Camp Cars

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** To carry out a 2008 Congressional rulemaking mandate, FRA is creating regulations prescribing minimum safety and health requirements for camp cars that a railroad provides as sleeping quarters to any of its train employees, signal employees, and dispatching service employees (covered-service employees) and individuals employed to maintain its right of way.

Under separate but related statutory authority, FRA is also amending its regulations regarding construction of employee sleeping quarters. In particular, FRA's existing guidelines with respect to the location, in relation to switching or humping of hazardous material, of a camp car that is occupied exclusively by individuals employed to maintain a railroad's right of way are being replaced with regulatory amendments prohibiting a railroad from positioning such a camp car in the immediate vicinity of the switching or humping of hazardous material.

Finally, FRA is making miscellaneous changes clarifying its provision on applicability, removing an existing provision on the preemptive effect of the regulations as unnecessary, and moving, without changing, an existing provision on penalties for violation.

**DATES:** This final rule is effective December 30, 2011.

**FOR FURTHER INFORMATION CONTACT:** Alan Misiaszek, Certified Industrial Hygienist, Staff Director, Industrial Hygiene Division, Office of Safety Assurance and Compliance, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590 (telephone: (202) 493–6002), [alan.misiaszek@dot.gov](mailto:alan.misiaszek@dot.gov) or Ann M. Landis, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Mail Stop 10, Washington, DC 20590 (telephone: (202) 493–6064), [ann.landis@dot.gov](mailto:ann.landis@dot.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Background Information

### A. Statutory, Regulatory, and Factual Background

Having considered the public comments on FRA's January 3, 2011, proposed rule in this rulemaking, FRA is issuing this final rule primarily to help satisfy the requirements of section 420 of the Rail Safety Improvement Act of 2008 (RSIA), Pub. L. 110-432, Div. A, 122 Stat. 4848, October 16, 2008 (amending a provision of the hours of service laws at 49 U.S.C. 21106). See notice of proposed rulemaking (NPRM), 76 FR 64. RSIA requires the Secretary of Transportation (Secretary) to adopt regulations no later than April 1, 2010, establishing minimum standards for "employee sleeping quarters" in the form of "camp cars" that are provided by railroads. 49 U.S.C. 21106(a)(1), (c). Specifically, RSIA instructs the Secretary to prescribe regulations "to implement [49 U.S.C. 21106(a)(1)] to protect the safety and health of any employees and individuals employed to maintain the right of way of a railroad carrier that use camp cars \* \* \*" 49 U.S.C. 21106(c). The statutory term "employee" is defined in 49 U.S.C. 21101(3) to include a train employee, a signal employee, and a dispatching service employee, who as a group are sometimes referred to as "covered-service employees." As amended through 2008, 49 U.S.C. 21106(a)(1) provides that such camp cars must be—clean, safe, and sanitary, give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier, and provide indoor toilet facilities, potable water, and other features to protect the health of employees.

49 U.S.C. 21106(a)(1). RSIA requires the Secretary to conduct this rulemaking "in coordination with the Secretary of Labor," and to "assess the action taken by any railroad carrier to fully retrofit or replace its camp cars \* \* \*" 49 U.S.C. 21106(c).

In addition, RSIA directly requires that railroads using camp cars "fully retrofit or replace such cars in compliance with [49 U.S.C. 20106(a)]" by December 31, 2009. 49 U.S.C. 21106(b). As will be further explained below, FRA interprets 49 U.S.C. 21106(b) as (1) Applying the prohibition in 49 U.S.C. 21106(a)(2) against beginning construction or reconstruction of employee sleeping quarters near switching or humping operations, to camp cars provided by railroads as sleeping quarters for individuals employed to maintain the

railroad right of way (MOW workers) and (2) setting a compliance date of December 31, 2009, with respect to such camp cars exclusively for MOW workers.

The Secretary has delegated the responsibility to carry out his responsibilities under RSIA to the Administrator of FRA. 74 FR 26981, 26982 (June 5, 2009), codified at 49 CFR 1.49(oo). See also 49 CFR 1.49(d), delegating the Secretary's authority to carry out the hours of service laws to the Administrator of FRA, and 49 U.S.C. 103.

Subpart E is based extensively on FRA guidelines already in place, which, in turn, were based on the U.S. Department of Labor's Occupational Safety and Health Administration ("OSHA") standards for sanitation and temporary labor camps at 29 CFR 1910.141 and 1910.142, modified as appropriate for the railroad environment. See FRA's Guidelines for Clean, Safe, and Sanitary Railroad Provided Camp Cars (1990 Guidelines), 55 FR 30892 (July 27, 1990), codified at 49 CFR part 228, app. C. In developing new subpart E, FRA coordinated with the U.S. Department of Labor, as required by the Congressional mandate.

In addition, FRA consulted with officials of the only American railroad currently known to be regularly utilizing camp cars as sleeping quarters, Norfolk Southern Railway Company (NS), to determine what actions it has taken to conform to the statutory requirements that the cars be not only clean, safe, and sanitary and provide an opportunity for rest uninterrupted by noise under the control of the railroad, but also have "indoor toilet facilities, potable water, and other features to protect the health" of employees and MOW workers and not be placed in the immediate vicinity of certain "switching or humping operations" as defined in FRA regulations at 49 CFR 228.101(c)(3). NS assured FRA that all of its camp cars comply with statutory requirements; NS disagrees with FRA's conclusion that camp cars exclusively occupied by MOW workers are subject to 49 U.S.C. 21106(a)(2).

MOW workers have been given protection by limits of how close their sleeping quarters are to switching and humping operations. That protection formerly only applied to train employees, signal employees, and dispatching service employees. In 1976, Congress required that all sleeping quarters, "including crew quarters, camp or bunk cars, and trailers," provided by a railroad to its "employees" be "clean, safe, and sanitary" and provide an opportunity

for rest without interruptions caused by noise under the control of the railroad. Pub. L. 94-348, sec. 4, adding subsection (a)(3) to section 2 of the Hours of Service Act, then codified at 45 U.S.C. 62(a)(3) (1976) and now codified as amended at 49 U.S.C. 21106(a)(1).<sup>1</sup> Again, the term "employees" included only those who, in the terminology of the present statute, are called "train employees," "signal employees," or "dispatching service employees," and did not include MOW workers. In the same legislation, Congress prohibited railroads from beginning, on or after July 8, 1976, the construction or reconstruction of sleeping quarters for "employees" "within or in the immediate vicinity (as determined in accordance with rules prescribed by the Secretary) of any area where railroad switching or humping operations are performed." Pub. L. 94-348, sec. 4, adding subsection (a)(4) to section 2 of the Hours of Service Act, then codified at 45 U.S.C. 62(a)(4) (1976) and now codified as amended at 49 U.S.C. 21106(a)(2).

To carry out the 1976 statutory amendment at section 2(a)(3) of the Hours of Service Act, FRA published interpretative guidance and a statement of policy regarding the provision requiring "clean, safe, and sanitary" sleeping quarters for employees free from railroad-controlled noise that would interrupt rest. Amendment to appendix A to 49 CFR part 228, 43 FR 30803 (July 18, 1978).

To carry out the 1976 amendment at section 2(a)(4) of the Hours of Service Act, FRA published regulations codified at 49 CFR part 228, subpart C (subpart C). 43 FR 31012 (July 19, 1978). As stated in the preamble to those regulations,

[t]he primary impetus of this amendment to the Hours of Service Act was the accident that occurred at Decatur, Illinois, on July 19, 1974. (H.R. Report No. 94-1166 (1976) at page 11.) Seven employees were killed and another 33 were injured when an explosion demolished crew quarters that were located between and adjacent to two classification yards and did other extensive damage in the middle of the Norfolk and Western yard. Three hundred sixteen persons who lived or worked in the surrounding area were also injured. The explosion resulted from accidental release of product which occurred during the switching of hazardous materials. \* \* \*

In enacting the 1976 amendment to the law, Congress determined that additional

<sup>1</sup> In the 1994 recodification of Federal transportation laws, the Hours of Service Act was repealed, and its provisions were reenacted as revised, and recodified as positive law primarily in 49 U.S.C. chapter 211. Pub. L. 103-272, July 5, 1994.

protection from accidents such as the one that occurred at Decatur, Illinois, is required for crew quarters.

43 FR 31009.

Subpart C defines key terms in section 2(a)(4) of the Hours of Service Act, permits railroads to request a determination by FRA that a particular proposed site is not within the “immediate vicinity,” and states the criteria by which FRA will make the determination. See 49 CFR 228.101(a). FRA approval is necessary before a railroad may begin the “construction or reconstruction” of sleeping quarters for employees within the distance of switching or humping operations specified in the regulations. 49 CFR 228.101. The distance triggering the need for approval is one-half mile “as measured from the nearest rail of the nearest trackage where switching or humping operations are performed to the point on the site where the carrier proposes to construct or reconstruct the exterior wall of the structure, or portion of such wall, which is closest to such operations.” 49 CFR 228.101(b).

“Switching or humping operations” is defined to include “the classification of placarded railroad cars according to commodity or destination, assembling of placarded cars for train movements \* \* \*” 49 CFR 228.101(c)(3).

“Placarded car” is defined to mean “a railroad car required to be placarded by DOT hazardous materials regulations (49 CFR 172.504).” 49 CFR 228.101(c)(4). “Construction” includes the “[p]lacement of a mobile or modular facility,” which includes placement of a camp car. 49 CFR 228.101(c)(1)(iii). On or after July 8, 1976, any railroad placing a camp car occupied by an employee near switching or humping operations must obtain FRA approval before doing so. 49 CFR 228.101(a).

In 1988, Congress redefined “employee” for purpose of section 2(a)(3) of the Hours of Service Act (now codified at 49 U.S.C. 21106(a)(1)) so as to include MOW workers, thereby making all sleeping quarters provided by a railroad to MOW workers subject to the same statutory standard. Pub. L. 100-342, sec. 19(b). It should be noted, however, that the 1988 amendment did not make MOW workers “employees” for purposes of the “location” requirement at section 2(a)(4) of the Hours of Service Act. Consequently, a camp car occupied only by employees or by both employees and MOW workers is subject to subpart C, but a camp car occupied only by MOW workers is not subject to subpart C.

To carry out the 1988 statutory amendment, FRA issued an interpretation in 1990 of the terms

“clean,” “safe,” and “sanitary” as applied to railroad-provided camp cars occupied by employees, MOW workers, or both based on standards established by OSHA. 49 CFR part 228, app. C. In FRA’s 1990 Guidelines, the agency noted that—

FRA believes that camp cars, either because of express limitations of local codes, or by virtue of their physical mobility, are generally not subject to state or local housing, sanitation, health, electrical or fire codes. Therefore, FRA is unable to rely upon state or local authorities to ensure that persons covered by the [Hours of Service] Act who reside in camp cars are afforded an opportunity for rest in ‘clean,’ ‘safe,’ and ‘sanitary’ conditions. Accordingly, FRA must determine what adverse conditions might reasonably be expected to interfere with the ordinary person’s ability to rest, so as to enunciate policy guidelines to be applied by FRA in enforcing the words ‘clean,’ ‘safe,’ and ‘sanitary’ for purposes of the Act.

55 FR 30892, 30893, July 27, 1990.

Twenty years after the 1988 statutory amendment, Congress enacted section 420 of RSIA. Congress added requirements that all sleeping quarters provided by railroads to employees or MOW workers have “indoor toilets, potable water, and other features to protect the health of [employees and MOW workers]” (amending 49 U.S.C. 21106(a)(1)); that any railroad that uses camp cars must “fully retrofit or replace” such cars to be in compliance with 49 U.S.C. 21106(a) by December 31, 2009 (see new 49 U.S.C. 21106(b)); and that the Secretary prescribe regulations to implement 49 U.S.C. 21106(a)(1), requiring compliance by December 31, 2010 (see new 49 U.S.C. 21106(c)).

FRA has considered whether Congress intended for railroad-provided camp cars occupied by MOW workers to be subject to the restrictions of 49 U.S.C. 21106(a)(2) on their location. Clearly, by the express text of 49 U.S.C. 21106(c), the regulations mandated by that subsection are intended “to implement subsection (a)(1)” (*i.e.*, 49 U.S.C. 21106(a)(1), and not to implement both 49 U.S.C. 21106(a)(1) and 49 U.S.C. 21106(a)(2)). Just as clearly, Congress did not amend 49 U.S.C. 21106(a)(2) itself, which bars beginning such construction or reconstruction of sleeping quarters for covered-service employees on or after July 8, 1976; Congress did not, for example, add language to subsection (a)(2) to prohibit beginning construction or reconstruction of railroad-provided camp cars used as sleeping quarters for MOW workers, with a new effective date in subsection (a)(2) itself.

In the end, however, FRA concludes that Congress did intend such location

restrictions in subsection (a)(2) to apply to camp cars exclusively occupied by MOW workers, based primarily on the language of subsection (b), which reads as follows:

(b) Camp cars.—Not later than December 31, 2009, any railroad carrier that uses camp cars shall fully retrofit or replace such cars in compliance with *subsection (a)*.

(Emphasis added). 49 U.S.C. 21106(b). Congress could have written that the camp cars must be in compliance with “subsection (a)(1),” but it did not; instead Congress required compliance with subsection (a) as a whole, a two-paragraph provision that includes the prohibition on placing camp cars (and other forms of sleeping quarters) near certain switching or humping operations. It is a basic canon of statutory construction that all words of a statute should be given effect.

To give subsection (b) meaning, with respect to requiring camp cars to be in compliance with the old mandate of subsection (a)(2), some act must be required that is possible to perform in the future, specifically not later than the December 31, 2009, date stated in subsection (b). FRA reads that extra requirement imposed by subsection (b) to be that camp cars exclusively occupied by MOW workers be subject to subsection (a)(2). With respect to subsection (a)(2), which contains a compliance date about 32 years before the enactment of subsection (a)(2), a new compliance date would be necessary in order to avoid creating an unconstitutional, *ex post facto* law, and that is what Congress provided with the new statutory deadline for compliance of December 31, 2009. FRA does not read subsection (b) as supplanting the July 8, 1976, effective date of the prohibition in subsection (a)(2) with respect to construction or reconstruction of sleeping quarters occupied by train employees, signal employees, or dispatching service employees. Rather, FRA reads the text of section 21106(b) as a direct, statutory requirement that railroads using camp cars as sleeping quarters see to it that the cars exclusively occupied by MOW workers comply with the statutory requirements of not only subsection (a)(1), but also subsection (a)(2), and to do so by December 31, 2009.

Of course, it could be argued that Congress simply made a technical error in requiring that camp cars comply with all of subsection (a) and that it meant to say “subsection (a)(1),” particularly given that the requirement is to “retrofit or replace” the cars, not to “retrofit or replace and position” the cars. FRA thinks that the legislative history of

section 420 of RSIA argues against such a strict interpretation. That legislative history indicates that Congress invited FRA to take a new, more protective look at camp cars. The House precursor to section 420 of RSIA would have directly prohibited the use of camp cars entirely by statute, effective one year after the date of enactment. See section 202 of H.R. 2095 as reported by the House Committee on Transportation and Infrastructure in H.R. Rep. No. 110-336 and analysis at p. 39. The Senate precursor to section 420 of RSIA would have authorized FRA to prohibit railroads' use of camp cars as sleeping quarters (*i.e.*, by regulation or order) "if necessary to protect the health and safety of the employees." See section 410 of S. 1889 as reported by the Senate Committee on Commerce, Science, and Transportation in S. Rep. No. 110-270. Based on the plain meaning of 49 U.S.C. 21106 and the legislative history of section 420 of RSIA, FRA believes its interpretation applying the location requirement of subsection (a)(2) to camp cars occupied exclusively by MOW workers is both correct and appropriate.

To carry out this statutory interpretation, FRA is proposing an amendment to subpart C. The statutory authority to conduct this aspect of the rulemaking is FRA's authority under 49 U.S.C. 21106(a)(2) to prescribe regulations to implement that statutory provision, which reads (as revised during the 1994 recodification of the rail safety laws effected by Public Law No. 103-272) as follows:

A railroad carrier \* \* \* (2) may not begin, after July 7, 1976, construction or reconstruction of sleeping quarters \* \* \* in an area or in the immediate vicinity of an area, as determined under regulations prescribed by the Secretary of Transportation, in which railroad switching or humping operations are performed.

[Emphasis added.] This is the authority under which FRA originally prescribed subpart C. 41 FR 53070, Dec. 3, 1976.

#### B. Comments on the NPRM

FRA received two sets of comments on the NPRM, one from the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters (BMWED) and one from the Association of American Railroads (AAR). FRA appreciated and carefully considered both of these sets of comments. The final rule differs from the proposed rule in part because of the concerns raised by the commenters. FRA, however, believes that it lacks the authority to address all of the issues raised. Comments are addressed thematically.

#### 1. Statutory Limitations

BMWED requested a prohibition on the use of railroad-provided camp cars as sleeping quarters for employees and MOW workers within five years of the effective date of the rule. FRA does not believe Congress intended to give FRA such authority. The statutory section requiring FRA to regulate camp cars begins, "A railroad carrier and its officers and agents may provide sleeping quarters \* \* \* for employees, and any individuals employed to maintain the right of way of a railroad carrier \* \* \*" 49 U.S.C. 21106(a)(1). With this language, Congress has expressly given permission to railroads to provide sleeping quarters as long as they meet the applicable statutory or regulatory standard, or both. FRA may not prohibit by regulation what Congress has explicitly permitted by statute.

FRA has also attempted to comply with the statutory language by limiting the applicability section of subpart C. Congress was specifically concerned with sleeping quarters provided to employees by a railroad and camp car sleeping quarters provided to MOW workers by a railroad. As a result, FRA stated that subpart C applies to railroads but not subcontractors or contractors, something BMWED commented on. If a railroad provides a substandard camp car to an employee or MOW worker, however, the railroad will be held liable, whether the camp car was directly provided by the railroad or whether the railroad was leasing a camp car from a contractor. See 49 CFR 228.303(b) and 228.305. FRA is concerned that including contractor-provided sleeping quarters would inadvertently encompass rooms in commercial motels or hotels open to the general public that a railroad provided to its employees. To further clarify FRA's position, however, FRA has modified the language of § 228.303 to expressly state that the requirements of this subpart apply to contractors and subcontractors that provide camp cars.

BMWED also took issue with another matter in which FRA was, in part, trying to comply with the statute. BMWED argued that the temporary labor camps regulations of the Occupational Safety and Health Administration (OSHA) should not be a basis for subpart E. FRA did not extensively rely on temporary labor camp regulations in creating subpart E; however, they did provide the basic framework for the previous camp car guidelines, and FRA found it necessary to use those guidelines in creating this subpart. FRA was also required by section 420 of the RSIA to

work in consultation with the Department of Labor in creating these regulations, and FRA found its regulations helpful. FRA does recognize that there are significant differences between temporary labor camps and the current way that NS uses camp cars, but found OSHA's regulations to be helpful, as there are few other Federal regulations regarding employer-provided sleeping quarters. The only other comment in which statutory provisions were at issue came from AAR. As mentioned in the NPRM, NS disagreed with FRA's statutory interpretation that sleeping quarters provided to MOW workers were, like those provided to covered-service employees, restricted on how close they may be to switching and humping operations. AAR stated that it supports NS's interpretation. There is ample discussion regarding FRA's position on this issue stated above and in the NPRM.

For its part, BMWED expressed its support for FRA's interpretation on this issue, but expressed concerns that the rights of MOW workers were not adequately protected. Specifically, BMWED wanted FRA to expressly say that the recognized representatives of the MOW workers be given the same notice when a railroad attempts to obtain permission to begin to construct or reposition a camp car too close to switching and humping operations. Under § 228.103(d), representatives of railroad employees of camp cars must be given such notice. BMWED's request is unnecessary, as the proposed rule states that for the purposes of § 228.103, "employees" "shall be read to include MOW workers." With this language found in § 228.102(b), FRA is requiring that the same rights and notice given to the employees and their recognized representatives under § 228.103 is given to MOW workers and their recognized representatives.

#### 2. Life Safety Issues

##### a. Smoke Alarms and Fire Extinguishers

BMWED recommended that each camp car be equipped "with a portable fire extinguisher(s) meeting the requirements of 29 CFR 1910.157, a fire detection system meeting the requirements of 29 CFR 1910.164, and permanently wired, with battery backup, smoke detector(s) and carbon monoxide detector(s)."

FRA agrees in principle with the desire for these life safety protection items; however, some of the proposed devices are not practical. Requiring smoke detectors and carbon monoxide detectors to be hard-wired may result in

added cost and complexity where simple battery-powered detectors can be used with little difference in protection. Many newer model smoke detectors are equipped with 10-year lithium batteries.

A fire detection system meeting the requirements of 29 CFR 1910.164 is not appropriate. The standard cited by BMWED is a performance specification for systems intended to meet other specific OSHA standards such as those for fuel or flammable materials storage areas. While meeting this OSHA standard is not necessary for camp cars, FRA will add paragraph (c) to § 228.331 as set forth in the regulatory text of this final rule.

#### b. Weather and Medical Information

BMWED also recommended requiring each camp car to have emergency evacuation instructions and information regarding the nearest hospital and have a weather radio. FRA agrees that camp car occupants need to have access to information in case of weather and medical emergencies, but has decided to address these needs by adding paragraph (d) to § 228.331 as set forth in the regulatory text of this final rule.

#### c. First Aid Kits (Proposed § 228.331)

AAR objected to FRA's proposed § 228.331, which specified and listed the minimum contents of first aid kits. AAR urged FRA to take a consistent approach to first aid kits. FRA's proposed § 228.331 differed from its regulation on passenger train emergency preparedness at 49 CFR 239.101(a)(6) by adding the requirements of a first aid booklet, aspirin, antibiotic ointment packages, and hydrocortisone ointment packets. FRA agrees that it should be consistent. As a result, FRA has changed the requirements for the first aid kit required by this subpart to conform with those of 49 CFR 239.101(a)(6).

#### 3. Camp Car Environment

BMWED requested that FRA restrict the locations where camp cars are located to avoid standing water and other potential hazards. Specifically, it requested the following requirements:

All camp car locations must be adequately drained, graded, and rendered free from depressions that pose a tripping hazard or allow water to collect. Camp car locations shall not be subject to periodic flooding, nor located within 200 feet of swamps, pools, sink holes, or other surface collections of water. The discharge of "gray water" from camp car lavatories and showers shall be prohibited unless permitted by local laws and ordinances; however, in no case shall "gray water" from lavatories and showers be discharged closer than 200 feet of any camp car. Camp cars shall be located so the drainage from and through the location will

not endanger any domestic or public water supply.

FRA recognizes that the issues identified in this comment may arise in some circumstances; however, they are not within the scope of the mandate nor within the agency's scope of regulatory expertise. The mandate language at 49 U.S.C. 21106(c) clearly is intended to address the camp cars themselves, not the conditions of the railroad property or adjacent private property on or near which they are located.

BMWED asked FRA to require gender-separated camp car facilities for "sleeping, showering, washing, urination and defecation." FRA does not believe that this provision is necessary at this time, nor is FRA aware of any problems stemming from a lack of such gender-separated facilities. FRA is, however, concerned about the possibility that a married couple might be working together, and the railroad might want to respect that couple's wish to stay in the same camp car. If FRA learns of problems stemming from the lack of gender-separated facilities, it will take appropriate action.

#### 4. Furnishings (Proposed § 228.311)

BMWED also had suggestions on the furnishings provided to camp car occupants. It recommended, among other things, a prohibition against cots, multi-deck bunks (which are built into or against a wall, such as in a Pullman car), and multi-level bunk beds (which are movable). FRA agrees that a prohibition on multi-deck bunks and multi-level bunk beds is a reasonable prohibition, given that falls from multi-deck bunks and multi-level bunk beds are possible and falls from an upper deck would obviously tend to cause more severe injury than falls from an ordinary, single-level bunk or single-level bed. The U.S. Consumer Product Safety Commission determined that multi-level bunks and multi-level bunk beds provided a sufficient hazard so as to require regulations to limit their hazards. See 16 CFR part 1213 *et seq.* FRA also notes that BMWED states that this prohibition would not have any cost, as NS does not currently use multi-level bunks or multi-level bunk beds in its camp cars for employees and MOW workers.

FRA, however, disagrees with BMWED's suggested prohibition on "cots" at this time. FRA realizes that cots can vary widely, and FRA expects any bed or cot provided under § 228.311 to be a unit for sleeping, consisting of a base and mattress. NS, the only railroad that uses camp cars as sleeping quarters for employees or MOW workers, uses beds only and does not

use a cot in the sense of a unit used for sleeping made of canvas over a frame that can be folded up and lacking a mattress. If NS or another railroad chooses to use a cot that does not have a mattress in a camp car that it provides as sleeping quarters, FRA will revisit this issue.

BMWED also requested that the lockers provided to the employees and MOW workers be lockable. FRA finds this to be a reasonable request, as the cost of locks should be minimal. Employees and MOW workers live in these camp cars for days or weeks at a time, and being able to secure their valuables could help alleviate stress and anxiety regarding the potential theft.

#### 5. Minimum Lateral Spacing Requirement (Proposed § 228.311)

FRA's proposed § 228.31(b) would have required that beds not be closer than 36 inches laterally, with modular units subject to a 30-inch minimum and double-deck bunks no closer than 48 inches laterally. AAR objected that the provision would be problematic for some in-service camp cars. It mentioned that the width of highway-capable camp cars is limited by existing DOT restrictions. AAR suggested, and FRA adopts, the following change: "Except where partitions are provided, such beds or similar facilities must be spaced not closer than 36 inches laterally (except in rail-mounted modular units, where the beds shall be spaced not closer than 30 inches, and highway trailer units, where the beds shall be spaced not closer than 26 inches) and 30 inches end to end, and must be elevated at least 12 inches from the floor."

#### 6. Cleaning (Proposed § 228.329)

BMWED also commented on cleaning requirements. For example, BMWED suggested that FRA change the requirement in § 228.329(a) from simply stating that a camp car must be kept "clean" to use the phrase "clean, healthful, and sanitary," and include a short explanation of the division of responsibility between the railroad and camp car occupants. FRA agrees that railroads are responsible for the regular and thorough cleaning of all camp car facilities, and that camp car occupants should use good housekeeping practices. FRA, however, does not believe that this suggestion substantively changes the proposed requirements, and so refrains from altering the proposed language of the regulation itself. FRA believes that the requirements of this subpart ensure that camp cars will be kept clean, healthful, and sanitary.

BMWED also requested that FRA require railroads to provide each occupant with two sets of clean bed linens and also exchange them, upon request, for clean linens when they are soiled. NS has notified FRA that, under the terms of two differing collective bargaining agreements, railroad employees either currently receive reimbursement for providing and laundering linens or are given reimbursement for providing their own linens. FRA will not interfere regarding linens when they are being provided under the terms of a collective bargaining agreement. FRA recognizes, however, that sweat and body fluids can accumulate on linens, posing a health hazard from potential viruses and bacteria growing in them. Health risks are compounded if someone sleeps on the unwashed sheets of another. FRA believes a collective bargaining agreement is the most appropriate method to ensure that occupants have clean sheets, but has added a requirement that clean linens be provided if a provision on the subject of linens in the applicable collective bargaining agreement does not exist.

#### Inspections

BMWED asked for a regulatory right for a representative of the employee labor organization to accompany FRA inspectors during a camp car inspection. It points out that OSHA allows for a representative of employee labor organizations to accompany OSHA inspectors. FRA declines to create such a right. FRA prefers to have unannounced inspections. If a camp car occupant has a concern that these regulations are not being adhered to, that employee or an employee's representative may alert FRA. When an individual contacts FRA regarding a railroad's failure to adhere to the law, FRA investigates the complaints and makes every effort to comply with statutory prohibitions and agency policy not to reveal the identity of that individual unless the individual has consented to the release. *See* 49 U.S.C. 20109(i).

#### 7. Definitions (Proposed § 228.5)

##### a. "Camp Car" Definition

In its comment, AAR recommended that FRA modify the definition of "camp car" to explicitly exclude office cars, inspection cars, and specialized maintenance equipment. FRA does not intend to include any cars in this subpart that are not used as sleeping quarters or ancillary to such sleeping quarters. FRA does not consider track geometry cars and similar cars to "house

or accommodate" MOW workers in the way that sleeping and dining room cars do. For clarity, however, FRA has amended the definition of "camp car" to make this intent explicit.

##### b. "MOW Worker" Definition in Proposed § 228.5

In the NPRM, FRA proposed a definition of "MOW worker" as someone who was "an individual employed to maintain the right of way of a railroad," which is the singular language of the hours of service laws, slightly shortened. *See* 49 U.S.C. 21106(a)(1) ("any individuals employed to maintain the right of way of a railroad carrier"). BMWED suggested that definition be elaborated to say "an individual employed to inspect, install, construct, repair or maintain track, roadbed, bridges, buildings, roadway facilities, roadway maintenance machines, electric traction systems, and right of way of a railroad." To clarify the scope of the definition, FRA has accepted this change in the definition intact except to add a comma after "repair." It is not necessary for the individual to be employed by a railroad; the individual may be employed by a contractor or subcontractor to a railroad.

##### 8. Minimum Space Standards and Bathroom Requirements (Proposed §§ 228.311, 228.317 to 228.321)

Proposed § 228.311 suggested a minimum amount of 50 square feet of floor space for each occupant of a camp car used for sleeping. BMWED disputed that this amount of space was sufficient, and suggested that more appropriate standards included a minimum of 80 square feet with a maximum occupancy of four people per car. The organization pointed out that the cost of compliance for this standard is essentially zero, as NS already provides this minimum amount of space. FRA agrees that this suggested change is reasonable and will prevent overcrowding.

In addition, for camp cars that are used for general living as well as cooking, BMWED recommended that the minimum square feet per occupant be increased from 90 to 120 square feet. FRA also agrees with this change to help prevent overcrowding. FRA notes that adopting this amendment should present no current cost to any railroad, as NS does not presently use camp cars in which occupants both sleep and cook.

In the NPRM, FRA proposed a minimum of two toilet rooms and two showers in each camp car that provides sleeping facility and an additional toilet room and shower for every one to five

more people after ten occupants. The NPRM suggested only two lavatories per camp car. BMWED recommended that if a camp car has more than four occupants, an additional toilet room and shower and lavatory should be required for every one or two more people. For its part, AAR requested requiring a fewer number of showers, lavatories, and toilets when there were fewer than four occupants. FRA sees the value in each of these proposals, and notes that the projected cost of this change from the NPRM is zero, as NS already complies with BMWED's proposal. FRA has lowered the minimum number of these fixtures required when a camp car has fewer than four occupants. The final rule requires one functional lavatory, shower, and toilet per camp car for up to two occupants, and one additional functional lavatory, shower, and toilet if there are three or four occupants in the camp car.

##### 9. Lighting (Proposed § 228.309)

BMWED requested that the minimum lighting for toilet and shower rooms be increased from the 10 foot-candles required in the proposed § 228.309(f)(2) to 30 foot-candles. OSHA standards require only 10 foot-candles for indoor toilets; 30 foot-candles are required for areas, such as offices, where more visually demanding tasks are done. 29 CFR 1926.56(a). Because of the limited size of toilet rooms, FRA does not believe that it is necessary for the requirements for lighting in bathrooms to be increased to the same level as an office.

##### 10. Temperature of Camp Car (Proposed § 228.309)

The NPRM proposed that each car must have equipment so that it can maintain a minimum temperature of 68 degrees Fahrenheit (°F) in cold weather and a maximum temperature of 75 °F in hot weather. § 228.309(g). BMWED requested that the minimum temperature be changed to 70 °F. FRA declines to do so, as it is likely that such a small difference is within the reading error of some thermometers. AAR also objected to FRA's proposed temperature requirement.

AAR requested that FRA prescribe a maximum temperature of 78 °F, as was set forth in appendix C to part 228. AAR stated that it was unaware of any problems with the 78 °F threshold. It also objected to a change proposed by FRA that was different from the guidelines of appendix C and allowed the maximum temperature to be only 20 °F below the ambient temperature. AAR stated that



differential cooling systems are limited by what they can achieve relative to the ambient temperature. FRA declines to make these changes.

FRA believes that modern air conditioning equipment on these cars is capable of providing the requisite cooling to offer the workers a respite from warm conditions that could interfere with the ability to get adequate rest. If a temperature of 78 °F is achievable by these systems, it seems unlikely that 75 °F would not be. With respect to the absence of the 20 °F differential from ambient as an alternative cooling standard, FRA believes this could lead to permitting significantly higher allowable temperatures that would have an adverse impact on the workers' ability to get adequate rest, particularly in some of the warmer climates in which these cars operate.

#### 11. Emergency Egress (Proposed § 228.309)

AAR requested that doors for emergency egress not be required at each end, as would be required by the proposed § 228.309(e). FRA agrees that the NPRM language is needlessly specific and agrees to amend that section.

In addition, AAR suggested that FRA modify its proposed requirement of § 228.309(f) for illumination of exit pathways. AAR stated,

[p]roposed paragraph 228.309(f)(1) requires that pathways not immediately accessible to occupants should be illuminated at all times. However, literally interpreted, this requirement could be read as requiring that lights be kept on in sleeping quarters, which would, of course, disturb the sleep of occupants. If the sleeping quarters are at opposite ends of a camp car, under this paragraph the sleeping quarters would have to be illuminated because the occupants would have to pass through the sleeping quarters to get to the secondary exits, *i.e.*, an occupant in one end of the car would have to pass through sleeping quarters to get to the exit at the other end of the car.

FRA agrees that the NPRM language is somewhat ambiguous and agrees to adopt the AAR's proposed change, with two additional commas, as follows:

§ 228.309(f)(1) When occupants are present, the pathway to any exit not immediately accessible to occupants, such as through an interior corridor, shall be illuminated at all times to values of at least 1 foot-candle measured at the floor, provided that where the pathway passes through a sleeping compartment, the pathway up to the compartment will be illuminated, but illumination is not required inside the sleeping compartment.

#### 12. Water Issues

##### a. Potability (Proposed §§ 228.319–228.323)

In its comment, BMWED stated its opposition to allowing non-potable water to be used for the washing and showering of persons. See proposed §§ 228.319–228.323. It pointed to OSHA's regulation, 29 CFR 1910.141(b)(1)(i), which requires potable water for the washing of the person in places of employment. FRA will follow OSHA's lead in requiring that water used for personal cleansing in the sinks and showers of camp cars be potable. FRA has changed the rule text accordingly.

For its part, AAR objected to the requirement of proposed § 228.323 that a railroad must obtain a certificate of compliance with EPA drinking water regulations every time potable water is drawn from a different local source. AAR stated that this was impractical and is unnecessary. It argued that, most of the time, water for camp cars came from a municipal community water system via spigots on the outside of buildings.

FRA does not agree with AAR's arguments. Its assertions that water drawn from a municipal community water system must be assumed to be potable, even after being conveyed through a portable, removable system of connections, pipes, and tanks, is not credible. In fact, during a visit to a NS camp, the water system was connected to a municipal building through a series of pipes and hoses on the surface of a parking lot. This circumstance could easily lead to a compromised system that could introduce contamination into the water, rendering it non-potable.

FRA agrees that community water sources are regulated and the water is potable when leaving the water supplier. However, FRA has no means of assurance that the water from the taps AAR mentions is in fact of the same quality. Further, the minority of circumstances where the water is not drawn from a community water system source are minimally addressed in the AAR comments. While the materials and systems components used by NS may be made of FDA-approved materials, that does not preclude the introduction of contamination into the system due to improper procedures setting up the connections, nor through damage to the components after they have been set up.

FRA's desire for either a certificate of conformance, or a similar certificate from a laboratory is to ensure that the water entering the camp car system is, at the source, of potable quality. The

other testing requirements contained in the section are intended to ensure that once potable water is introduced into the system, it is delivered in that form to the users. The FDA has specific regulations regarding the source quality of potable water for use on "a conveyance engaged in interstate traffic" at 21 CFR 1240.80, 1240.83, and, for treatment once aboard the conveyances, at 21 CFR 1240.90. FRA is simply restating these precepts.

##### b. Cleaning of Potable Water Systems (Proposed § 228.323)

AAR also objected to the requirement of proposed § 228.323(c)(4) that potable water systems be drained and flushed regularly and after any complaint. As discussed above, however, the introduction of contaminants into a water system can occur through any of a number of sources, both through damage to the system connections, as well as through back flow through any of the system's internal outlets. Even under normal circumstances of use, where the water is consumed and refilled on a frequent basis, quarterly disinfection and flushing have been used, under an FDA-approved process, on Amtrak passenger cars for a number of years. By AAR's own admission, camp cars may move on a frequent basis, thus the opportunities for introduction of contaminants into the potable water system exist. The two procedures established by this regulation thus parallel those used to protect Amtrak passengers and crews and should be no more burdensome, and in fact are likely less so, for NS since its fleet and movement frequency are much less.

##### c. Water Temperature (Proposed § 228.319)

In addition, BMWED also stated that there was no reason for § 228.319 to allow for only tepid water—as opposed to both hot and cold water—to be provided in lavatories. It stated that the water for sinks came from a plumbing system that provided both hot and cold water. Since this is a reasonable request that apparently can be provided with minimal or no cost to the only railroad actively using camp cars, FRA has changed § 228.319 to require hot and cold water in lavatories.

##### d. Training (Proposed § 228.323)

BMWED also requested that any individual who fills a potable water system as required by this subpart be "properly trained, qualified and designated by the employer." FRA's proposed § 228.323(b)(5) required only that the person filling the potable water

system be trained. FRA does not see the value of BMWED's suggestion.

e. Response to Failed Test of Water (Proposed § 228.323)

The organization also requested that FRA prohibit the return to service of a camp car whose water system failed a total coliform test until test samples from that system show a satisfactory result. Proposed § 228.323(c)(5) simply states that the system needs to be resampled and then it may be returned to service. The original language of the proposed regulation follows FDA-approved protocols currently used for water systems on conveyances in interstate commerce. The recommended change is not necessary.

13. Waste Disposal From a Food Service Facility (Proposed § 228.325)

BMWED requested in its comment more stringent controls on waste disposal methods to protect the safety and health of occupants. It requested changes to be added to § 228.325(c). FRA agrees with these changes and has adopted them in this final rule.

14. Repairs (§ 228.333)

In the NPRM, FRA asked for comments regarding the amount of time that a railroad should be given to repair significant noncomplying conditions in a camp car under proposed § 228.333, which gave the railroad 72 hours after notice of noncompliance with this subpart from FRA. In response, BMWED recommended the following substitute:

A railroad shall, within 24 hours after receiving a good faith notice from a camp car occupant or an employee labor organization representing camp car occupants or notice from the Federal Railroad Administration of noncompliance with this subpart, correct each non-complying condition on the camp car or cease use of the camp car as sleeping quarters for each occupant. In the event that such a condition affects the safety or health of an occupant, such as, but not limited to, water, cooling, heating, or eating facilities, sanitation issues related to food storage, food handling or sewage disposal, vermin or pest infestation, electrical hazards, etc., the railroad must immediately upon notice provide alternative arrangements for housing and providing food to the employee or MOW worker until the condition adverse to the safety or health of the occupant(s) is corrected. As used in this section "immediately" means prompt, expeditious and without delay.

While FRA does not believe a definition of "immediately" is necessary, it otherwise agrees with the recommended changes and has adopted them.

## II. Section-by-Section Analysis

### Part 228

#### Section 228.1 Scope

FRA is revising the heading of 49 CFR part 228 to reflect all of its contents more explicitly. The name of the part is being changed from "HOURS OF SERVICE OF RAILROAD EMPLOYEES" to "HOURS OF SERVICE OF RAILROAD EMPLOYEES; RECORDKEEPING AND REPORTING; SLEEPING QUARTERS".

#### Subpart A of Part 228

FRA is tailoring § 228.1, Scope, to reflect the addition of new subpart E, Safety and Health Requirements for Camp Cars Provided by Railroads as Sleeping Quarters, such as by adding new paragraph (c).

#### Section 228.3 Application

FRA also is amending § 228.3, Application. Currently, paragraph (a) of that section says that, except as provided in paragraph (b), part 228 applies to all railroads and contractors and subcontractors of railroads. FRA is revising the section to indicate that although subparts B and D of part 228 apply to railroads and contractors and subcontractors of railroads, subparts C and E of part 228 apply only to railroads. (Subpart A contains no duties that apply to any entity.) In addition, § 228.3 is being amended to clarify that plant railroads are exempt from the requirements of subparts B–E of part 228. The section is also being amended to note that tourist, scenic, historic, and excursion railroads that are not part of the general system are generally excepted from subparts B–E except as provided in § 228.413(d)(2). See 76 FR 50360, 50400 (August 12, 2011). Section 228.3 also is being amended to move its existing reference to § 228.401 as the applicability section for subpart F, Substantive Hours of Service Regulations for Train Employees Engaged in Commuter or Intercity Rail Passenger Transportation, from paragraph (b) to paragraph (c). *Id.*

#### Section 228.5 Definitions

Finally, FRA is amending § 228.5, Definitions, by adding definitions of four terms. The terms "plant railroad" and "tourist, scenic, historic, or excursion operations that are not part of the general railroad system of transportation" are used in the proposed "application" provisions of subpart A and the new subpart E, and both terms refer to types of operations that have traditionally been excluded from FRA regulations because they are not part of the general railroad system of

transportation. (Note, however, that, e.g., all tourist railroads are subject to the substantive hours of service requirements of subpart F of part 228 as provided in 49 CFR 228.401 and the hours of service recordkeeping and reporting requirements of subpart B as provided in 49 CFR 228.413(d)(2).) There is a more extensive explanation of the general railroad system of transportation in appendix A to 49 CFR part 209, and it is explicitly defined there as "the network of standard gage track over which goods may be transported throughout the nation and passengers may travel between cities and within metropolitan and suburban areas."

The terms "camp car" and "MOW worker" are used in subparts C and E. "Camp car" is, in § 228.5, defined as a trailer and/or on-track vehicle, including an outfit, camp, bunk car, or modular home mounted on a flatcar, or any other mobile vehicle or mobile structure used to house or accommodate an employee or MOW worker. An office car, inspection car, specialized maintenance equipment, and a wreck train is not included.

The longstanding definition of "camp car" in the guidelines of 49 CFR part 228, app. C is clarified by adding "or any other mobile vehicle or mobile structure" as catch-all language. For example, a recreational vehicle used to accommodate or house an employee or MOW worker is a camp car within the meaning of § 228.5. In addition, the phrase "railroad employees" in the existing definition of camp car is replaced with "an employee or MOW worker." The term "employee" is already defined in existing § 228.5 and means a train employee, signal employee, or dispatching service employee. The term "MOW worker" is defined as "an individual employed to inspect, install, construct, repair, or maintain track, roadbed, bridges, buildings, roadway facilities, roadway maintenance machines, electric traction systems, and right of way of a railroad."

#### Subpart B of Part 228

#### Section 228.13 [Removed and Reserved]

FRA is removing and reserving § 228.13, Preemptive effect, for two reasons. First, the section is unnecessary because it is duplicative of statutory law at 49 U.S.C. 20106 and case law. Second, the section is incomplete because it omits reference to the preemptive effect of the hours of service laws (49 U.S.C. ch. 211), (the authority for 49 CFR part 228, subparts C, E, and F). The hours of service laws have been

interpreted by the Supreme Court as preempting State regulation of the hours of railroad employees. *See Hill v. State of Florida ex rel. Watson*, 325 U.S. 538, 553 (1945).

#### Section 228.6 Penalty

In addition, FRA is redesignating two provisions in subpart B that are intended to apply to the entire part in order to move them to subpart A, General. In particular, FRA is redesignating § 228.21, Civil penalty, and § 228.23, Criminal penalty, as § 228.6, Penalty.

#### Subpart C of Part 228

##### Heading of Subpart C

FRA is changing the heading of subpart C from “Construction of Employee Sleeping Quarters” to “Construction of Railroad-Provided Sleeping Quarters.” “Railroad-Provided” is added to emphasize that the regulations apply only to sleeping quarters that are provided by a railroad, and the word “Employee” is deleted since the amended subpart applies not only to sleeping quarters occupied by an employee but also to sleeping quarters in the form of a camp car that are provided by a railroad to an MOW worker.

#### Section 228.101 Distance Requirement for Employee Sleeping Quarters; Definitions Used in This Subpart

In § 228.101, the heading is changed from “Distance requirement; definitions” to “Distance requirement for railroad-provided employee sleeping quarters; definitions used in this subpart.” This revision is intended to reflect that paragraph (a) applies only to sleeping quarters for employees (not for MOW workers). That section reflects the 1976 statutory amendment discussed earlier in the preamble that carries a July 8, 1976, compliance date.

In addition, some typographical errors in paragraph (b) are corrected. Specifically, “Except as determined in accordance with the provisions of this subpart. ‘The immediate vicinity’” is replaced with “Except as determined in accordance with the provisions of this subpart, the ‘immediate vicinity’” instead.

#### § 228.102 Distance Requirement for Camp Cars Provided by Railroads as Sleeping Quarters Exclusively for MOW Workers

In new § 228.102, FRA is restating the statutory language at 49 U.S.C. 21106(b) and 21106(a)(2) by saying that a railroad that uses camp cars must comply by December 31, 2009, with the prohibition in 49 U.S.C. 21106(a)(2) with respect to

those camp cars that are provided as sleeping quarters exclusively to MOW workers. (Camp cars for train employees, signal employees, or dispatching service employees and camp cars occupied by both covered-service employees and MOW workers are already subject to the July 8, 1976, compliance date in 49 U.S.C. 21106(a)(2) and 49 CFR 228.101.) In other words, under the statute, starting December 31, 2009, a railroad must not begin construction or reconstruction of a camp car provided by the railroad as sleeping quarters exclusively for MOW workers within or in the immediate vicinity of any area where railroad switching or humping is performed. (Of course, compliance with the regulation itself would not be due until the date established in the final rule.) The key terms in new § 228.102 are already defined in the subpart or at § 228.5. In effect, absent FRA’s special approval in accordance with subpart C, a railroad may not begin construction or reconstruction of a camp car (including the placement of a camp car) as sleeping quarters solely for MOW workers in or within the distance specified in the regulations at § 228.101(b) (one-half mile from the location where such switching or humping of placarded cars takes place). Procedures on requesting FRA’s special approval are found within that subpart and at 49 CFR part 211. Section 228.102 notes that references to “employees” in the sections on procedures in §§ 228.103–228.107 must be read to include MOW workers.

#### Subpart E of Part 228

FRA is adding new subpart E entitled, “Safety and Health Requirements for Camp Cars Provided by Railroads as Sleeping Quarters.”

#### Section 228.301 Purpose and Scope

This section is a basic restatement of the legal mandate in section 420 of RSIA that is codified at 49 U.S.C. 21106(c), which requires the issuance of regulations to implement 49 U.S.C. 21106(a)(1) with respect to certain camp cars. Section 21106(a)(1) of title 49 of the U.S. Code provides that sleeping quarters provided by a railroad to its covered-service employees and MOW workers must be—

clean, safe, and sanitary, give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier, and provide indoor toilet facilities, potable water, and other features to protect the health of employees \* \* \*

Subpart E replaces the outdated guidelines at 49 CFR part 228, app. C consistent with RSIA’s requirements.

#### Section 228.303 Application and Responsibility for Compliance

This section defines the railroads that are covered by the new subpart. All railroads are covered, with the exception of three types of railroad operations. The three listed exceptions are for operations that are not part of the general railroad system of transportation: (1) Railroads that operate exclusively on track that is not part of that system (plant railroads, as that term is defined in § 228.5); (2) tourist, scenic, historic, or excursion railroads that are not part of the general railroad system of transportation, a term also defined in § 228.5 (tourist railroads); and (3) rapid transit operations in an urban area that are not connected to the general railroad system of transportation. *See* 49 CFR part 209, app. A for a discussion of “general railroad system of transportation.” As a matter of policy, FRA almost never exercises its statutory jurisdiction over plant railroads and generally does not exercise its statutory jurisdiction over tourist railroads that operate only off the general system. (*But see, e.g.*, 49 CFR part 228, subpart F, including § 228.401, and the Bridge Safety Standards at 49 CFR part 237). FRA lacks statutory jurisdiction over urban rapid transit operations not connected to the general system. *See* 49 U.S.C. 20102, 20103.

In addition, paragraph (b) explains that even though subpart E of part 228 applies only to railroads, a railroad may not avoid fulfilling the requirements of this subpart by using contractors or subcontractors. If, for example, a railroad uses a contractor to provide dining services for the occupants of a camp car, FRA will still enforce the provisions of § 228.325 against the railroad to ensure that the food service is safe and sanitary.

#### Section 228.305 Compliance Date

This section establishes the deadline for compliance. A December 31, 2010, deadline for compliance with the regulations was set by Congress in section 420 of RSIA, but the final rule may not become effective until 60 days after it is published. The compliance date for this rule is December 30, 2011.

#### Section 228.307 Definitions

This section defines key terms used in subpart E. Many of these definitions were originally set forth in FRA’s 1990 Guidelines. In addition, many of these definitions have been taken from standards issued by OSHA.

### Section 228.309 Structure, Emergency Egress, Lighting, Temperature, and Noise-Level Standards

This section sets forth a series of requirements for camp cars provided by a railroad as sleeping quarters to employees or MOW workers or both. First, the section requires that the camp cars are constructed so as to provide protection from the elements. Second, the section requires that the camp cars provide an opportunity for rest free from interruptions caused by noise under the control of the railroad that provides the camp cars. The limit of 55 dB(A) is based on FRA's longstanding interpretation of an hours of service statutory provision related to sleeping quarters. 49 U.S.C. 21106(a)(1); 49 CFR part 228, app. A and C. It is notable that the 55 dB(A) level is typical of semi-urban and suburban neighborhood outside ambient noise during the evening hours with minimal street traffic. Levels such as these have also been measured in the same neighborhoods on side streets during daylight hours; thus, the 55 dB(A) limit should not be difficult to achieve. Third, this section requires that the camp cars be able to maintain a minimum temperature during cold weather (68 °F) and a maximum temperature during hot weather (75 °F). Fourth, the section requires that camp cars provide an adequate means of egress in the event of an emergency situation. There must be at least two emergency exits. Finally, FRA is also establishing minimum lighting standards, including provisions requiring the interior pathway to an emergency exit not immediately accessible to the occupants to be illuminated at all times for emergency egress purposes, except that illumination of emergency pathways is not required inside sleeping compartments.

### Section 228.311 Minimum Space Requirements, Beds, Storage, and Sanitary Facilities

This section requires that, to prevent overcrowding, the camp car's occupants have at least 80 square feet each; in a camp car where occupants cook, live, and sleep, a minimum of 120 square feet per occupant must be provided. The section also requires certain types of furniture. This section also creates a limit of four occupants per car.

### Section 228.313 Electrical System Requirements

This section sets forth requirements regarding the safety of all electrical systems in the camp car, including, but not limited to, heating, cooking,

ventilation, air conditioning, and water heating equipment. While the NPRM stated that these systems must be installed in accordance with all applicable provisions of the National Fire Protection Association's NFPA 70 (2008), "National Electrical Code" (NEC 2008), approved by the National Fire Protection Association (NFPA) Standards Council on July 26, 2007, with an effective date of August 15, 2007, FRA realizes that this code is not the only industry standard that could be used to ensure safe and working electrical equipment. To allow greater flexibility, FRA has decided to allow railroads to utilize industry-recognized standards other than those set forth in NEC 2008. These may include State-modified NEC Standards, other nationally-recognized standards, or internationally-recognized standards. FRA expects all electrical systems installed to be compliant with whichever industry-recognized standard the railroad utilizes.

This section of the rule does not specify any certain code that must be used for heating, ventilation, and air conditioning (HVAC) systems, but does require that all such systems be safe and working. FRA anticipates that, to ensure that these systems are safe and operable, railroads will require HVAC systems in their camp cars to meet widely-adopted standards, such as those of the standards of the Sheet Metal and Air Conditioning Contractors National Association; the American Society of Heating, Refrigerating, and Air-Conditioning Engineers; and the American National Standards Institute.

### Section 228.315 Vermin Control

This section sets forth requirements related to the prevention and resolution of vermin infestations.

### Section 228.317 Toilets

This section represents a substantial revision of the parallel provision in FRA's 1990 Guidelines to reflect a more appropriate number of toilets required. Further, the section requires that there be at least one toilet room located within a camp car that has sleeping facilities for a total of one or two occupants. If the camp car has three or four occupants, then at least two toilet rooms are required. FRA believes that this requirement provides an adequate standard for the minimum number of toilets. A toilet room must have a door that latches, one that is capable of being and staying securely closed, and the toilet room must be sufficient to assure privacy. Certain construction and cleanliness standards are also included in this section.

### Section 228.319 Lavatories

This section requires every camp car that provides a sleeping facility to have a basin with hot and cold potable running water, soap, and hand-drying equipment or towels. It also requires at least one basin per car with sleeping facilities.

### Section 228.321 Showering Facilities

The section mandates a minimum number of showers, construction requirements for the showers, and the provision of showering supplies.

### Section 228.323 Potable Water

This lengthy section sets forth requirements to ensure that the water provided to the occupants of camp cars is safe. Water uses such as personal oral hygiene, washing of the person, drinking as well as food washing, preparation, and cooking, and cleaning of the cooking utensils, cooking surfaces, and eating surfaces—all require the use of water that is potable. If the water supplied for these uses is provided by means of a system of tanks, lines, and other plumbing, the integrity and cleanliness of such systems need to be maintained.

To facilitate these objectives, FRA has established a series of requirements in this section. Individuals who fill potable water systems servicing a camp car must be trained. The source for water provided to the occupants of a camp car must meet minimum standards put forth by the Environmental Protection Agency under 40 CFR part 141, National Primary Drinking Water Regulations. A railroad must obtain a certificate indicating this fact. Section 228.323 does not require that the water as it flows from any faucet within the camp be certified as potable, but rather that the source of the water itself be potable. A railroad may obtain the certificate even before a camp reaches any given location to avoid interrupting operations. Of course the expected connection must be somewhat imminent: a railroad could not, for example, legally rely on a certification that is six months old. The certificate must be kept with the camp car for the duration of the connection, after which the certificate must be sent to a centralized location, such as the railroad's system headquarters. This location must be the depository for all water certification records for the railroad. Further, equipment and construction employed to provide potable water to a camp car must be approved by the Food and Drug Administration. The water itself must be stored in sanitary containers and be

dispensed so that sanitary conditions are maintained. Distribution lines must have adequate pressure for simultaneous use. Potable water systems must be flushed and disinfected regularly, and the steps that are taken to do so must be recorded. Those records must be kept within the camp for the duration of the connection and then sent to a centralized location. Certain procedures must be followed in response to a report of a problem with the taste of the water or a report of a health problem because of the water.

#### Section 228.325 Food Service in a Camp Car or Separate Kitchen or Dining Car

The section prohibits the presence of food and beverages in toilet rooms and toxic material areas, imposes requirements applicable when a central dining operation is provided, and requires that food service facilities and operations will operate hygienically. The limitations of paragraphs (c) and (d) do not apply to food service from nearby restaurants that are subject to State law.

#### Section 228.327 Sewage and Waste Collection and Disposal

This section addresses the necessity of wastes being disposed to ensure a sanitary environment. Timely removal of all kinds of waste is mandated by § 228.329(a). Camp cars must be equipped with a method to dispose of sewage according to § 228.329(b). Appropriate waste containers for both general waste and food waste are required by § 228.329(c) and (d), respectively.

#### Section 228.329 Housekeeping

This section requires that each camp car be kept as clean as is practicable given the type of work performed by the occupants of the car. Railroads and camp car occupants share the obligation to keep the camp car facilities clean and in good care, meaning that railroads are responsible for the regular and thorough cleaning of all camp car facilities, and that camp car occupants should use good housekeeping practices. The section also requires elimination of splinters, unnecessary holes, and other conditions or features that impede cleaning.

#### Section 228.331 First Aid and Life Safety

This section requires a first aid kit in each camp car with specified contents. This list is based on the requirements for first aid kits in passenger trains set forth in FRA's regulations on passenger train emergency preparedness at 49 CFR 239.101(a)(6). Railroads should add

items to the first-aid kit as conditions warrant, for example, increasing the minimum number of bandages for a larger crew than normal or providing additional items if the occupants of the camp car regularly deal with hazardous material. Additional items that railroads may consider providing include ammonia inhalants, aspirin, and a splint.

Each occupied sleeping room in a camp car must be equipped with a functional smoke alarm and carbon monoxide alarm or a combination device that incorporates both types of alarms, and there must be a functional fire extinguisher in each sleeping room of the camp car. The fire extinguisher must be "Type ABC," a classification put forth by National Fire Protection Association and widely used. In addition, each camp car consist must have an emergency preparedness plan prominently displayed.

#### Section 228.333 Remedial Action

As a reflection of FRA's enforcement policy, the section gives a limited amount of time for a railroad to take action after receiving specified notice to repair a camp car that does not comply with these regulations. The section also requires that a railroad provide alternate accommodations when a camp car does not provide the essential services such as proper cooling or heating. In addition, if a camp car is noncompliant with the requirements of this subpart, and the railroad otherwise would have provided meals for occupants, it must provide for alternate arrangement for meals.

#### Section 228.335 Electronic Recordkeeping

This section provides for electronic recordkeeping of records required by this subpart.

#### Appendix A and Appendix C of Part 228

Finally, conforming changes are being made to appendix A to part 228, and appendix C to part 228 is being removed. Appendix A is revised (FRA's statement of agency policy and interpretation of the hours of service laws) by removing the paragraph discussing the 1990 Guidelines, codified in appendix C to part 228, and the rationale for establishing those guidelines because appendix C is eliminated and superseded by new 49 CFR part 228, subparts C and E. Appendix C is removed to reflect that the guidelines with respect to camp cars are being revised and converted into regulations at 49 CFR part 228, subparts

C and E, which become effective upon the compliance date.

### III. Regulatory Impact and Notices

#### A. Executive Orders 12866 and 13563 and DOT Regulatory Policies and Procedures

This rule has been evaluated in accordance with existing policies and procedures under Executive Orders 12866 and 13563 as well as DOT policies and procedures and determined to be non-significant. FRA has prepared and placed in the docket a regulatory evaluation addressing the economic impact of this final rule. Document inspection and copying facilities are available at U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. Docket material is also available for inspection on the Internet at <http://www.regulations.gov>. Photocopies may also be obtained by submitting a written request to the FRA Docket Clerk at the Office of Chief Counsel, RCC-10, Mail Stop 10, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; please refer to Docket No. FRA-2009-0042, Notice No. 2.

To carry out a 2008 Congressional rulemaking mandate, FRA is creating a new Subpart E to title 49 Code of Federal Regulations (CFR) part 228. The new subpart prescribes minimum safety and health requirements for camp cars that railroads provide as sleeping quarters to train employees, signal employees, dispatching service employees, and individuals employed to maintain its right-of-way. The new regulation supplants existing guidelines that interpret previously enacted statutory requirements. The previous guidelines required railroad-provided camp cars to be clean, safe, and sanitary; and afford those employees and individuals an opportunity for rest—free from the interruptions caused by noise under the control of the railroad. In further response to the congressional mandate, the regulations include the additional statutory requirements that camp cars provide indoor toilets, potable water, and other features to protect the health of such workers.

Under separate but related statutory authority, FRA is amending subpart C to 49 CFR part 228, Construction of Employee Sleeping Quarters. In accordance with the RSIA, FRA applies the location restrictions to include camp cars occupied exclusively for individuals employed to maintain the right-of-way.

Finally, FRA is making conforming changes to part 228, clarifying its provision on applicability, removing an existing provision on the preemptive effect of part 228 as unnecessary; and moving, without changing, an existing provision on penalties for violation of part 228 from subpart B to subpart A.

FRA estimates costs and benefits for the final rule. In this case, only one railroad will be affected, NS. Since NS has already taken action to address the safety and health issues in an acceptable manner, this final rule will add only minimal costs. Some new requirements that will add costs are certification of the potable water source, lab tests when necessary, draining and flushing of the water system, and carbon monoxide detectors. As described in the regulatory evaluation, FRA estimates the annual costs of this rule will range between \$61,000 and \$80,000. The main benefit of this rule is the assurance that current safety and health levels of camp cars will be maintained in the future.

#### *B. Regulatory Flexibility Act and Executive Order 13272*

To ensure potential impacts of rules on small entities are properly considered, FRA developed this final rule in accordance with Executive Order 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) and DOT’s procedures and policies to promote compliance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The Regulatory Flexibility Act requires an agency to review regulations to assess their impact on small entities. An agency must conduct a regulatory flexibility analysis unless it determines and certifies that a rule is not expected to have a significant impact on a substantial number of small entities.

As discussed earlier, FRA has initiated this rulemaking as a requirement of the RSIA. FRA is promulgating new regulations in a new Subpart E to part 228, prescribing minimum safety and health requirements for camp cars that a railroad provides as sleeping quarters to any of its train employees, signal employees, dispatching service employees, and individuals employed to maintain its right-of-way. The new regulations supplant existing guidelines that interpret existing statutory requirements, enacted decades earlier, that railroad-provided camp cars be clean, safe, sanitary, and afford those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the railroad. In further response to the rulemaking mandate, the

new regulations include the additional statutory requirements, enacted in 2008, that camp cars be provided with indoor toilets, potable water, and other features to protect the health of such workers. In developing this final rule, FRA coordinated with the U.S. Department of Labor, as required by the congressional mandate.

Under separate but related statutory authority, FRA is amending subpart C to 49 CFR part 228, Construction of Employee Sleeping Quarters. This subpart contains FRA’s longstanding regulations implementing the statutory provision that prohibits railroads, effective July 8, 1976, from beginning the construction or reconstruction of railroad-provided sleeping quarters for train employees, signal employees, and dispatching service employees in an area or in the immediate vicinity of an area where railroad switching or humping of hazardous material occurs. Previously, these regulations affecting the location of sleeping quarters for covered service employees did not apply to sleeping quarters exclusively for individuals employed to maintain the right-of-way of a railroad. In particular, FRA is implementing a 2008 statutory amendment that, on and after December 31, 2009, camp cars provided by a railroad as sleeping quarters exclusively for individuals employed to maintain the right-of-way of a railroad are within the scope of the prohibition against beginning construction or reconstruction of employee sleeping quarters near railroad switching or humping of hazardous material. FRA’s existing guidelines with respect to the location of a camp car that is occupied exclusively by individuals employed to maintain a railroad’s right-of-way will be replaced with regulatory amendments prohibiting a railroad from positioning such a camp car in the immediate vicinity of the switching or humping of hazardous material.

Finally, the final rule makes conforming changes to Appendix A to part 228 and removes Appendix C to part 228. The rule also clarifies its provision on applicability, removes an existing provision on the preemptive effect of part 228 as unnecessary, and moves, without change, an existing provision on penalties for violation of part 228 from subpart B to subpart A.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), FRA certifies that this final rule would not have a significant impact on a substantial number of small entities.

#### i. Description of Regulated Entities and Impacts

This rule applies to railroads that provide camp cars to employees or MOW workers as sleeping quarters, contractors and subcontractors of railroads. “Small entity” is defined in 5 U.S.C. 601 as including a small business concern that is independently owned and operated, and is not dominant in its field of operation. The U.S. Small Business Administration (SBA) has authority to regulate issues related to small businesses, and stipulates in its size standards that a small entity in the railroad industry is a for profit “line-haul railroad” that has fewer than 1,500 employees, a “short line railroad” with fewer than 500 employees, or a “commuter rail system” with annual receipts of less than \$7 million. See “Size Eligibility Provisions and Standards,” 13 CFR part 121, subpart A.

Federal agencies may adopt their own size standards for small entities in consultation with SBA and in conjunction with public comment. Pursuant to that authority, FRA has published a final statement of agency policy that formally establishes small entities or “small businesses” as being railroads, contractors, and hazardous materials shippers that meet the revenue requirements of a Class III railroad as set forth in 49 CFR § 1201.1–1, which is \$20 million or less in inflation-adjusted annual revenues, and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less.<sup>2</sup> The \$20 million limit is based on the Surface Transportation Board’s revenue threshold for a Class III railroad carrier. Railroad revenue is adjusted for inflation by applying a revenue deflator formula in accordance with 49 CFR § 1201.1–1.

This final rule does not affect any small entities.

#### Criteria for Substantial Number

There is only one railroad that will be affected by this regulation. It is a Class I railroad that is not a small entity. Consequently, this regulation does not burden a substantial number of small entities.

#### Criteria for Significant Economic Impacts

The factual basis for the certification that this final rule, if promulgated, will not have a significant economic impact on a substantial number of small entities is that no railroads that are considered small entities will be affected by the regulation. This regulation does not

<sup>2</sup> See 68 FR 24891, May 9, 2003, codified at Appendix C to 49 CFR Part 209.

disproportionately place any small railroads that are small entities at a significant competitive disadvantage. There are no small railroads that house employees or MOW workers in camp cars.

**Outreach to Small Entities**

Outreach to small entities is not necessary since the final rule does not affect any small entities. FRA requested comments on this assumption in the NPRM and received none.

**ii. Certification**

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. § 605(b), the FRA Administrator certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

**C. Federalism Implications**

Executive Order 13132, “Federalism” (64 FR 43255 (Aug. 10, 1999)), requires FRA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” are defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” Under Executive Order 13132, the agency may not issue a regulation with federalism implications that imposes substantial direct compliance costs and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, the agency consults with State and local governments, or the

agency consults with State and local government officials early in the process of developing the regulation. Where a regulation has federalism implications and preempts State law, the agency seeks to consult with State and local officials in the process of developing the regulation.

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132. This rule will not have a substantial effect on the States or their political subdivisions; it will not impose any direct compliance costs on State and local governments; and it will not affect the relationships between the Federal government and the States or their political subdivisions, or the distribution of power and responsibilities among the various levels of government. FRA has also determined that this rule will not impose substantial direct compliance costs on State and local governments. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

However, this rule may have preemptive effect by operation of law under a provision of the former Federal Railroad Safety Act of 1970, 49 U.S.C. 20106 (Section 20106), and case law interpreting the statutory predecessor of the hours of service laws at 49 U.S.C. ch. 211 (the Hours of Service Act). See Pub. L. 103–272. Section 20106 provides that States may not adopt or continue in effect any law, regulation, or order related to railroad safety or security that covers the subject matter of a regulation prescribed or order issued by the Secretary of Transportation (with respect to railroad safety matters) or the Secretary of Homeland Security (with respect to railroad security matters), except when the State law, regulation, or order qualifies under the “local safety or security hazard” exception to Section

20106. The Hours of Service Act has been interpreted by the Supreme Court as preempting State regulation of the hours of railroad employees. See *Hill v. State of Florida ex rel. Watson*, 325 U.S. 538, 553 (1945).

In sum, FRA has analyzed this rule in accordance with the principles and criteria contained in Executive Order 13132. As explained above, FRA has determined that this rule has no federalism implications, other than the possible preemption of State laws. Accordingly, FRA has determined that preparation of a federalism summary impact statement for this rule is not required.

**D. International Trade Impact Assessment**

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

**E. Paperwork Reduction Act**

The information collection requirements in this final rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* The sections that contain the new information collection requirements and the estimated time to fulfill each requirement are as follows:

CFR Section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
<b>228.323—Potable water</b>				
Water Hydrants (Inspections) .....	1 Railroad .....	740 inspections .....	3 minutes .....	37
Water Hydrants (Records) .....	1 Railroad .....	740 records .....	2 minutes .....	24.67
Inspection Records—Copy to Central Location .....	1 Railroad .....	740 record copies .....	10 seconds .....	2.06
Training—For Individuals to Fill Potable Water Systems ...	1 Railroad .....	37 trained employees .....	15 minutes .....	9.25
Training Materials/Records .....	1 Railroad .....	1 set of training materials ...	4 hours .....	4
Certification from State/local Health Authority .....	1 Railroad .....	666 certificates .....	1 hour .....	666
Certification by Laboratory .....	1 Railroad .....	74 certificates .....	20 minutes .....	24.67
Copy of Certificate when Connection Is Terminated .....	1 Railroad .....	740 certification copies .....	10 seconds .....	2.06
Draining, Flushing and Record .....	1 Railroad .....	111 records .....	30 minutes .....	55.5
Occupant Reports of Taste Problem .....	1 Railroad .....	10 taste reports .....	10 seconds .....	0.03
Draining/Flushing and Record, when Taste Report .....	1 Railroad .....	10 records .....	30 minutes .....	5
Lab Tests from Taste Report .....	1 Railroad .....	10 tests/certificates .....	20 minutes .....	3.33
Lab Report Copies .....	1 Railroad .....	10 lab copies .....	2 minutes .....	0.33
Signage (for non-potable Water) .....	1 Railroad .....	740 signs .....	2.5 minutes .....	30.83

CFR Section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
<b>228.331—First aid and life safety</b>				
Master Emergency Plan .....	1 Railroad .....	1 master emergency plan ....	1.5 hours .....	1.5
Master Emergency Plan Copies .....	1 Railroad .....	292 copies .....	3 seconds .....	0.24
Emergency Plan (at each Location) .....	1 Railroad .....	740 modified plans .....	15 minutes .....	185
Emergency Plan Copies .....	1 Railroad .....	5,840 copies .....	3 seconds .....	4.87
<b>228.333—Remedial actions</b>				
Oral Report of Needed Repair .....	1 Railroad .....	30 oral reports .....	10 seconds .....	0.083
<b>Total</b>	<b>11,532 responses</b>	<b>1,056.42 hours</b>		

All estimates include the time for reviewing instructions; searching existing data sources; gathering or maintaining the needed data; and reviewing the information. Pursuant to 44 U.S.C. 3506(c)(2)(B), FRA solicits comments concerning the following: whether these information collection requirements are necessary for the proper performance of the functions of FRA, including whether the information has practical utility; the accuracy of FRA's estimates of the burden of the information collection requirements; the quality, utility, and clarity of the information to be collected; and whether the burden of collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology, may be minimized. For information or a copy of the paperwork package submitted to OMB, contact Mr. Robert Brogan, Information Clearance Officer, Office of Railroad Safety, at (202) 493-6292, or Ms. Kimberly Toone, Office of Information Technology, at (202) 493-6132.

Organizations and individuals desiring to submit comments on the collection of information requirements should direct them to the Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St. NW., Washington, DC 20503, attn: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov).

OMB is required to make a decision concerning the collection of information requirements contained in this final rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

FRA is not authorized to impose a penalty on persons for violating information collection requirements which do not display a current OMB

control number, if required. FRA intends to obtain current OMB control numbers for any new information collection requirements resulting from this rulemaking action prior to the effective date of the final rule. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**.

*F. Unfunded Mandates Reform Act of 1995*

Pursuant to Section 201 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, 2 U.S.C. 1531), each Federal agency "shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law)." Section 202 of the Act (2 U.S.C. 1532) further requires that "before promulgating any general notice of proposed rulemaking that is likely to result in the promulgation of any rule that includes any Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement" detailing the effect on State, local, and tribal governments and the private sector. For the year 2010, this monetary amount of \$100,000,000 has been adjusted to \$140,800,000 to account for inflation. This final rule will not result in the expenditure of more than \$140,800,000 by the public sector in any one year, and thus preparation of such a statement is not required.

*G. Environmental Assessment*

FRA has evaluated this rule in accordance with its "Procedures for Considering Environmental Impacts" (FRA's Procedures) (64 FR 28545, May

26, 1999) as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), other environmental statutes, Executive Orders, and related regulatory requirements. FRA has determined that this rule is not a major FRA action (requiring the preparation of an environmental impact statement or environmental assessment) because it is categorically excluded from detailed environmental review pursuant to section 4(c)(20) of FRA's Procedures. See 64 FR 28547, May 26, 1999. Section 4(c)(20) reads as follows:

(c) Actions categorically excluded. Certain classes of FRA actions have been determined to be categorically excluded from the requirements of these Procedures as they do not individually or cumulatively have a significant effect on the human environment.

\* \* \* \* \*

The following classes of FRA actions are categorically excluded:

\* \* \* \* \*

(20) Promulgation of railroad safety rules and policy statements that do not result in significantly increased emissions or air or water pollutants or noise or increased traffic congestion in any mode of transportation.

In accordance with section 4(c) and (e) of FRA's Procedures, the agency has further concluded that no extraordinary circumstances exist with respect to this regulation that might trigger the need for a more detailed environmental review. As a result, FRA finds that this rule is not a major Federal action significantly affecting the quality of the human environment.

*H. Energy Impact*

Executive Order 13211 requires Federal agencies to prepare a Statement of Energy Effects for any "significant energy action." 66 FR 28355, May 22, 2001. Under the Executive Order, a "significant energy action" is defined as any action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed



rulemaking, and notices of proposed rulemaking: (1)(i) That is a significant regulatory action under Executive Order 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. FRA has evaluated this rule in accordance with Executive Order 13211. FRA has determined that this rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Consequently, FRA has determined that this rule is not a "significant energy action" within the meaning of Executive Order 13211.

#### *I. Privacy Act*

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any agency docket by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

#### **List of Subjects in 49 CFR Part 228**

Administrative practice and procedures, Buildings and facilities, Hazardous materials transportation, Noise control, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

#### **The Final Rule**

For the reasons discussed in the preamble, FRA is amending part 228 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

#### **PART 228—HOURS OF SERVICE OF RAILROAD EMPLOYEES; RECORDKEEPING AND REPORTING; SLEEPING QUARTERS**

■ 1. The authority citation for part 228 is revised to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 21101-21109; Sec. 108, Div. A, Public Law 110-432, 122 Stat. 4860-4866, 4893-4894; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461, note; 49 CFR 1.49; and 49 U.S.C. 103.

■ 2. The heading of part 228 is revised to read as set forth above.

■ 3. Section 228.1 is amended by—

■ a. Removing the word "employee" from paragraph (b); and

■ b. Adding paragraph (c) to read as follows:

#### **§ 228.1 Scope.**

\* \* \* \* \*

(c) Establishes minimum safety and health standards for camp cars provided by a railroad as sleeping quarters for its employees and individuals employed to maintain its rights of way; and

\* \* \* \* \*

■ 4. Section 228.3 is revised to read as follows:

#### **§ 228.3 Application and responsibility for compliance.**

(a) Except as provided in paragraph (b) of this section, subparts B and D of this part apply to all railroads, all contractors for railroads, and all subcontractors for railroads. Except as provided in paragraph (b) of this section, subparts C and E of this part apply only to all railroads.

(b) Subparts B through E of this part do not apply to:

(1) A railroad, a contractor for a railroad, or a subcontractor for a railroad that operates only on track inside an installation that is not part of the general railroad system of transportation (*i.e.*, a plant railroad as defined in § 228.5);

(2) Tourist, scenic, historic, or excursion operations that are not part of the general railroad system of transportation as defined in § 228.5, except as provided in § 228.413(d)(2); or

(3) Rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

(c) The application of subpart F of this part is set forth in § 228.401.

■ 5. Section 228.5 is amended by adding definitions for "Camp car," "MOW worker," "Plant railroad," and "Tourist, scenic, historic, or excursion operations that are not part of the general railroad system of transportation" in alphabetical order to read as follows:

#### **§ 228.5 Definitions.**

\* \* \* \* \*

*Camp car* means a trailer and/or on-track vehicle, including an outfit, camp, bunk car, or modular home mounted on a flatcar, or any other mobile vehicle or mobile structure used to house or accommodate an employee or MOW worker. An office car, inspection car, specialized maintenance equipment, or wreck train is not included.

\* \* \* \* \*

*MOW worker* means an individual employed to inspect, install, construct, repair, or maintain track, roadbed, bridges, buildings, roadway facilities, roadway maintenance machines, electric traction systems, and right of way of a railroad.

\* \* \* \* \*

*Plant railroad* means a plant or installation that owns or leases a locomotive, uses that locomotive to switch cars throughout the plant or installation, and is moving goods solely for use in the facility's own industrial processes. The plant or installation could include track immediately adjacent to the plant or installation if the plant railroad leases the track from the general system railroad and the lease provides for (and actual practice entails) the exclusive use of that trackage by the plant railroad and the general system railroad for purposes of moving only cars shipped to or from the plant. A plant or installation that operates a locomotive to switch or move cars for other entities, even if solely within the confines of the plant or installation, rather than for its own purposes or industrial processes, will not be considered a plant railroad because the performance of such activity makes the operation part of the general railroad system of transportation.

\* \* \* \* \*

*Tourist, scenic, historic, or excursion operations that are not part of the general railroad system of transportation* means a tourist, scenic, historic, or excursion operation conducted only on track used exclusively for that purpose (*i.e.*, there is no freight, intercity passenger, or commuter passenger railroad operation on the track).

\* \* \* \* \*

■ 6. Section 228.6 is added to subpart A to read as follows:

#### **§ 228.6 Penalties.**

(a) *Civil penalties.* Any person (an entity of any type covered under 1 U.S.C. 1, including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least \$650 and not more than \$25,000 per violation, except that: penalties may be assessed against individuals only for willful violations, and, where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty not to exceed \$100,000 per violation may be assessed. Each day a

violation continues shall constitute a separate offense. See appendix B to this part for a statement of agency civil penalty policy. Violations of the hours of service laws themselves (*e.g.*, requiring an employee to work excessive hours or beginning construction of sleeping quarters subject to approval under subpart C of this part without prior approval) are subject to penalty under 49 U.S.C. 21303.

(b) *Criminal penalties.* Any person who knowingly and willfully falsifies a report or record required to be kept under this part or otherwise knowingly and willfully violates any requirement of this part may be liable for criminal penalties of a fine under title 18 of the U.S. Code, imprisonment for up to two years, or both, in accordance with 49 U.S.C. 21311(a).

**§ 228.13 [Removed and Reserved]**

■ 7. Section 228.13 is removed and reserved.

**§ 228.21 [Removed and Reserved]**

■ 8. Section 228.21 is removed and reserved.

**§ 228.23 [Removed and Reserved]**

■ 9. Section 228.23 is removed and reserved.

■ 10. The heading of subpart C of part 228 is revised to read as follows:

**Subpart C—Construction of Railroad-Provided Sleeping Quarters**

- 11. Section 228.101 is amended by—
- a. Revising the section heading to read as set forth below; and
- b. In paragraph (b), by removing “Except as determined in accordance with the provisions of this subpart. ‘The immediate vicinity’” and inserting in its place, “Except as determined in accordance with the provisions of this subpart, the ‘immediate vicinity’.”

**§ 228.101 Distance requirement for employee sleeping quarters; definitions used in this subpart.**

\* \* \* \* \*

■ 12. Section 228.102 is added to subpart C to read as follows:

**§ 228.102 Distance requirement for camp cars provided as sleeping quarters exclusively to MOW workers.**

(a) The hours of service laws at 49 U.S.C. 21106(b) provide that a railroad that uses camp cars must comply with 49 U.S.C. 21106(a) no later than December 31, 2009. Accordingly, on or after December 31, 2009, a railroad shall not begin construction or reconstruction of a camp car provided by the railroad as sleeping quarters exclusively for

MOW workers within or in the immediate vicinity of any area where railroad switching or humping of placarded cars is performed.

(b) This subpart includes definitions of most of the relevant terms (§ 228.101(b) and (c)), the procedures under which a railroad may request a determination by the Federal Railroad Administration that a particular proposed site for the camp car is not within the “immediate vicinity” of railroad switching or humping operations (§§ 228.103 and 228.105), and the basic criteria utilized in evaluating proposed sites. See § 228.5 for definitions of other terms. For purposes of this § 228.102, references to “employees” in §§ 228.103 through 228.107 shall be read to include MOW workers.

■ 13. Subpart E is added to read as follows:

**Subpart E—Safety and Health Requirements for Camp Cars Provided by Railroads as Sleeping Quarters**

Sec.

- 228.301 Purpose and scope.
- 228.303 Application and responsibility for compliance.
- 228.305 Compliance date.
- 228.307 Definitions.
- 228.309 Structure, emergency egress, lighting, temperature, and noise-level standards.
- 228.311 Minimum space requirements, beds, storage, and sanitary facilities.
- 228.313 Electrical system requirements.
- 228.315 Vermin control.
- 228.317 Toilets.
- 228.319 Lavatories.
- 228.321 Showering facilities.
- 228.323 Potable water.
- 228.325 Food service in a camp car or separate kitchen or dining facility in a camp.
- 228.327 Waste collection and disposal.
- 228.329 Housekeeping.
- 228.331 First aid and life safety.
- 228.333 Remedial action.
- 228.335 Electronic recordkeeping.

**Subpart E—Safety and Health Requirements for Camp Cars Provided by Railroads as Sleeping Quarters**

**§ 228.301 Purpose and scope.**

The purpose of this subpart is to prescribe standards for the design, operation, and maintenance of camp cars that a railroad uses as sleeping quarters for its employees or MOW workers or both so as to protect the safety and health of those employees and MOW workers and give them an opportunity for rest free from the interruptions caused by noise under the control of the railroad, and provide indoor toilet facilities, potable water, and other features to protect the health

and safety of the employees and MOW workers.

**§ 228.303 Application and responsibility for compliance.**

(a) This subpart applies to all railroads except the following:

(1) Railroads that operate only on track inside an installation that is not part of the general railroad system of transportation (*i.e.*, plant railroads, as defined in § 228.5);

(2) Tourist, scenic, historic, or excursion operations that are not part of the general railroad system of transportation as defined in § 228.5; or

(3) Rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

(b) Although the duties imposed by this subpart are generally stated in terms of the duty of a railroad, each person, including a contractor or subcontractor for a railroad, who performs any task or provides camp cars covered by this subpart, shall do so in accordance with this subpart.

**§ 228.305 Compliance date.**

On and after December 30, 2011, a railroad shall not provide a camp car for use as sleeping quarters by an employee or MOW worker unless the camp car complies with all requirements of this subpart.

**§ 228.307 Definitions.**

As used in this subpart—

*dB(A)* means the sound pressure level in decibels measured on the A-weighted scale.

*Decibel (dB)* means a logarithmic unit of measurement that expresses the magnitude of a physical quantity (usually power or intensity) relative to a specified reference level. For the measurement of noise in this subpart, the reference level for the intensity of sound pressure in air is 20 micropascals.

*Foot-candle* means a one lumen of light density per square foot.

*HVAC* means heating, ventilation, and air conditioning.

*Lavatory* means a basin or similar vessel used primarily for washing of the hands, arms, face, and head.

*L<sub>eq</sub>(8)* means the equivalent steady state sound level that in 8 hours would contain the same acoustic energy as the time-varying sound level during the same time period.

*Nonwater carriage toilet* means a toilet not connected to a sewer.

*Occupant* means an employee or an MOW worker (both as defined in § 228.5) whose sleeping quarters are a camp car.

*Ppm* means parts per million.

*Potable water* means water that meets the quality standards prescribed in the U.S. Environmental Protection Agency's National Primary Drinking Water Standards set forth in 40 CFR part 141.

*Potable water system* means the containers, tanks, and associated plumbing lines and valves that hold, convey, and dispense potable water within a camp car.

*Toilet* means a chemical toilet, a recirculating toilet, a combustion toilet, or a toilet that is flushed with water; however, a urinal is not a toilet.

*Toilet room* means a room containing a toilet.

*Toxic material* means a material in concentration or amount of such toxicity as to constitute a recognized hazard that is causing or is likely to cause death or serious physical harm.

*Watering* means the act of filling potable water systems.

**§ 228.309 Structure, emergency egress, lighting, temperature, and noise-level standards.**

(a) *General.* Each camp car must be constructed in a manner that will provide protection against the elements.

(b) *Floors.* Floors must be of smooth and tight construction and must be kept in good repair.

(c) *Windows and other openings.* (1) All camp cars must be provided with windows the total area of which must be not less than 10 percent of the floor area. At least one-half of each window designed to be opened must be so constructed that it can be opened for purposes of ventilation. Durable opaque window coverings must be provided to reduce the entrance of light during sleeping hours.

(2) All exterior openings must be effectively screened with 16-mesh material. All screen doors must be equipped with self-closing devices.

(d) *Steps, entry ways, passageways, and corridors.* All steps, entry ways, passageways, and corridors providing normal entry to or between camp cars must be constructed of durable weather-resistant material and properly maintained. Any broken or unsafe fixtures or components in need of repair must be repaired or replaced promptly.

(e) *Emergency egress.* Each camp car must be constructed in a manner to provide adequate means of egress in an emergency situation. At a minimum, a means of emergency egress must be located in at least two places in camp car for emergency exits.

(f) *Lighting.* Each habitable room in a camp car including but not limited to a toilet room, that is provided to an occupant must be provided with adequate lighting as specified below:

(1) When occupants are present, the pathway to any exit not immediately accessible to occupants, such as through an interior corridor, shall be illuminated at all times to values of at least 1 foot-candle measured at the floor, provided that where the pathway passes through a sleeping compartment, the pathway up to the compartment will be illuminated, but illumination is not required inside the sleeping compartment.

(2) Toilet and shower rooms shall have controlled lighting that will illuminate the room to values of at least 10 foot-candles measured at the floor.

(3) Other areas shall have controlled lighting that will illuminate the room area to values of at least 30 foot-candles measured at the floor.

(g) *Temperature.* Each camp car must be provided with equipment capable of maintaining a temperature of at least 68 degrees Fahrenheit (F.) during cold weather and no greater than 75 degrees F. during hot weather. A temperature of at least 68 degrees F. during cold weather and no greater than 75 degrees F. during hot weather must be maintained within an occupied camp car unless the equipment is individually controlled by its occupant(s).

(h) *Noise control.* Noise levels attributable to noise sources under the control of the railroad shall not exceed an  $L_{eq}(8)$  value of 55 dB(A), with windows and doors closed and exclusive of noise from cooling, heating, and ventilating equipment, for any 480-minute period during which the facility is occupied.

**§ 228.311 Minimum space requirements, beds, storage, and sanitary facilities.**

(a) Each camp car used for sleeping purposes must contain at least 80 square feet of floor space for each occupant, with a maximum of four occupants per car. At least a 7-foot ceiling, measured at the entrance to the car, must be provided.

(b) A bed, cot, or bunk for each occupant and suitable lockable storage facility, such as a lockable wall locker, or space for a lockable foot locker for each occupant's clothing and personal articles must be provided in every room used for sleeping purposes. Except where partitions are provided, such beds or similar facilities must be spaced not closer than 36 inches laterally (except in rail-mounted modular units, where the beds shall be spaced not closer than 30 inches, and highway trailer units, where the beds shall be spaced not closer than 26 inches) and 30 inches end to end, and must be elevated at least 12 inches from the floor. Multi-deck bunks, multi-deck bunk beds, and

multi-deck similar facilities may not be used.

(c) Unless otherwise provided by a collective bargaining agreement, clean linens must be provided to each occupant.

(d) In a camp car where occupants cook, live, and sleep, a minimum of 120 square feet of floor space per occupants must be provided. Sanitary facilities must be provided for storing and preparing food. *See also* § 228.325.

**§ 228.313 Electrical system requirements.**

(a) All heating, cooking, ventilation, air conditioning, and water heating equipment must be installed in accordance with an industry-recognized standard. Upon request by FRA, the railroad must identify the industry-recognized standard that it utilizes and establish its compliance with that standard.

(b) All electrical systems installed, including external electrical supply connections, must be compliant with an industry-recognized standard. Upon request by FRA, the railroad must identify the industry-recognized standard that it utilizes and establish its compliance with that standard.

(c) Each occupied camp car shall be equipped with or serviced by a safe and working HVAC system.

**§ 228.315 Vermin control.**

Camp cars shall be constructed, equipped, and maintained to prevent the entrance or harborage of rodents, insects, or other vermin. A continuing and effective extermination program shall be instituted where the presence of vermin is detected.

**§ 228.317 Toilets.**

(a) *Number of toilets provided.* Each individual camp car that provides sleeping facilities must have one room with a functional toilet for a total of one or two occupants, and one additional room with a functional toilet if there are a total of three or four occupants.

(b) *Construction of toilet rooms.* Each toilet room must occupy a separate compartment with a door that latches and have walls or partitions between fixtures sufficient to assure privacy.

(c) *Supplies and sanitation.* (1) An adequate supply of toilet paper must be provided in each toilet room, unless provided to the occupants individually.

(2) Each toilet must be kept in a clean and sanitary condition and cleaned regularly when the camp car is being used. In the case of a non-water carriage toilet facility, it must be cleaned and changed regularly when the camp car is being used.

(d) *Sewage disposal facilities.* (1) All sanitary sewer lines and floor drains

from a camp car toilet facility must be connected to a public sewer where available and practical, unless the car is equipped with a holding tank that is emptied in a sanitary manner.

(2) The sewage disposal method must not endanger the health of occupants.

(3) For toilet facilities connected to a holding tank, the tank must be constructed in a manner that prevents vermin from entry and odors from escaping into the camp car.

#### § 228.319 Lavatories.

(a) *Number.* Each camp car that provides a sleeping facility must contain at least one functioning lavatory for a total of one or two occupants and an additional functional lavatory if there is a total of three or four occupants.

(b) *Water.* Each lavatory must be provided with hot and cold potable running water. The water supplied to a lavatory must be from a potable water source supplied through a system maintained as required in § 228.323.

(c) *Soap.* Unless otherwise provided by a collective bargaining agreement, hand soap or similar cleansing agents must be provided.

(d) *Means of drying.* Unless otherwise provided by a collective bargaining agreement, individual hand towels, of cloth or paper, warm air blowers, or clean sections of continuous cloth toweling must be provided near the lavatories.

#### § 228.321 Showering facilities.

(a) *Number.* Each individual camp car that provides sleeping facilities must contain a minimum of one shower for a total of one or two occupants and an additional functional shower if the camp car contains a total of three or four occupants.

(b) *Floors.* (1) Shower floors must be constructed of non-slippery materials;

(2) Floor drains must be provided in all shower baths and shower rooms to remove waste water and facilitate cleaning;

(3) All junctions of the curbing and the floor must be sealed; and

(4) There shall be no fixed grate or other instrument on the shower floor significantly hindering the cleaning of the shower floor or drain.

(c) *Walls and partitions.* The walls and partitions of a shower room must be smooth and impervious to the height of splash.

(d) *Water.* An adequate supply of hot and cold running potable water must be provided for showering purposes. The water supplied to a shower must be from a potable water source supplied through a system maintained as required in § 228.323.

(e) *Showering necessities.* (1) Unless otherwise provided by a collective bargaining agreement, body soap or other appropriate cleansing agent convenient to the showers must be provided.

(2) Showers must be provided with hot and cold water feeding a common discharge line.

(3) Unless otherwise provided by a collective bargaining agreement, each occupant who uses a shower must be provided with an individual clean towel.

#### § 228.323 Potable water.

(a) *General requirements.* (1) Potable water shall be adequately and conveniently provided to all occupants of a camp car for drinking, personal oral hygiene, washing of person, cooking, washing of foods, washing of cooking or eating utensils, and washing of premises for food preparation or processing.

(2) Open containers such as barrels, pails, or tanks for drinking water from which the water must be dipped or poured, whether or not they are fitted with a cover, are prohibited.

(3) A common drinking cup and other common utensils are prohibited.

(b) *Potable water source.* (1) If potable water is provided in bottled form, it shall be stored in a manner recommended by the supplier in order to prevent contamination in storage. Bottled water shall not be provided as a substitute for the hot and cold running potable water required to be supplied in lavatories, showers, and sinks under this section. Bottled water shall contain a label identifying the packager and the source of the water.

(2) If potable water is drawn from a local source, the source must meet the drinking water standards established by the U.S. Environmental Protection Agency under 40 CFR part 141, National Primary Drinking Water Regulations.

(3) All equipment and construction used for supplying potable water to a camp car water system (e.g., a hose, nozzle, or back-flow prevention) shall be approved by the Food and Drug Administration.

(4) *Water hydrants.* Each water hydrant, hose, or nozzle used for supplying potable water to a camp car water system shall be inspected prior to use. Each such hose or nozzle used shall be cleaned and sanitized as part of the inspection. A signed, dated record of this inspection shall be kept within the camp for the period of the connection. When the connection is terminated, a copy of each of these records must be submitted promptly to a centralized location for the railroad and maintained

for one year from the date the connection was terminated.

(5) *Training.* Only a trained individual is permitted to fill the potable water systems. Each individual who fills a potable water system shall be trained in—

(i) The approved method of inspecting, cleaning, and sanitizing hydrants, hoses, and nozzles used for filling potable water systems; and

(ii) The approved procedures to prevent contamination during watering.

(6) *Certification.* Each time that potable water is drawn from a different local source, the railroad shall obtain a certificate from a State or local health authority indicating that the water from this source is of a quality not less than that prescribed in 40 CFR part 141, National Primary Drinking Water Regulations promulgated by the U.S. Environmental Protection Agency, or obtain such a certificate by a certified laboratory following testing for compliance with those standards. The current certification shall be kept within the camp for the duration of the connection. When the connection is terminated, a copy of each of these records must be submitted promptly to a centralized location for the railroad and maintained for one year from the date the connection was terminated.

(c) *Storage and distribution system.*

(1) *Storage.* Potable water shall be stored in sanitary containers that prevent external contaminants from entering the potable water supply. Such contaminants include biological agents or materials and substances that can alter the taste or color or are toxic.

(2) *Dispensers.* Potable drinking water dispensers shall be designed, constructed, and serviced so that sanitary conditions are maintained, must be capable of being closed, and shall be equipped with a tap.

(3) *Distribution lines.* The distribution lines must be capable of supplying water at sufficient operating pressures to all taps for normal simultaneous operation.

(4) *Flushing.* Each potable water system shall be drained and flushed with a disinfecting solution at least once every 120 days. The railroad shall maintain a record of the draining and flushing of each separate system within the camp for the last two drain and flush cycles. The record shall contain the date of the work and the name(s) of the individual(s) performing the work. The original record shall be maintained with the camp. A copy of each of these records shall be sent to a centralized location for the railroad and maintained for one year.

(j) The solution used for flushing and disinfection shall be a 100 parts per million by volume (ppm) chlorine solution.

(ii) The chlorine solution shall be held for one hour in all parts of the system to ensure disinfection.

(iii) The chlorine solution shall be purged from the system by a complete refilling and draining with fresh potable water.

(iv) The draining and flushing shall be done more frequently if an occupant reports a taste or health problem associated with the water, or following any plumbing repair.

(5) *Reported problems.* Following any report of a taste problem with the water from a system or a health problem resulting from the water in a system, samples of water from each tap or dispensing location on the system shall be collected and sent to a laboratory approved by the U.S. Environmental Protection Agency for testing for heterotrophic plate counts, total coliform, and fecal coliform. If a single sample fails any of these tests, the system must be treated as follows:

(i) Heterotrophic plate count. Drain and flush the system within two days, and then return it to service.

(ii) Total coliform. Remove the system from service, drain and flush system, resample the system, and then return the system to service.

(iii) Fecal coliform. Remove the system from service, drain and flush the system, resample the system, and do not return the system to service until a satisfactory result on the test of the samples is obtained from the laboratory.

(6) *Reports.* All laboratory reports pertaining to the water system of the camp car shall be maintained with the car. Within 15 days of the receipt of such a laboratory report, a copy of the report shall be posted for a minimum of 10 calendar days at a conspicuous location within the camp car or cars affected for review by occupants. The report shall be maintained in the camp for the duration of the same connection. When the connection is terminated, the certification must be submitted promptly to a centralized location for the railroad and maintained for one year from the date the connection was terminated.

(d) *Signage.* Any water outlet/faucet within the camp car facility that supplies water not from a potable source or that is from a potable source but supplied through a system that is not maintained as required in this section, the outlet/faucet must be labeled with a sign, visible to the user and bearing a message to the following effect: "The

water is not suitable for human consumption. Do not drink the water."

**§ 228.325 Food service in a camp car or separate kitchen or dining facility in a camp.**

(a) *Sanitary storage.* No food or beverage may be stored in a toilet room or in an area exposed to a toxic material.

(b) *Consumption of food or beverage on the premises.* No occupant shall be allowed to consume a food or beverage in a toilet room or in any area exposed to a toxic material.

(c) *Kitchens, dining halls, and feeding facilities.* (1) In each camp car where central dining operations are provided by the railroad or its contractor(s) or subcontractor(s), the food handling facilities shall be maintained in a clean and sanitary condition. See § 228.323, Potable water, generally.

(i) All surfaces used for food preparation shall be disinfected after each use.

(ii) The disinfection process shall include removal of chemical disinfectants that would adulterate foods prepared subsequent to disinfection.

(2) All perishable food shall be stored either under refrigeration or in a freezer. Refrigeration and freezer facilities shall be provided with a means to monitor temperature to ensure proper temperatures are maintained. The temperature of refrigerators shall be maintained at 40 °F or below; the temperature of freezers shall be maintained at 0 °F or below at all times.

(3) All non-perishable food shall be stored to prevent vermin and insect infestation.

(4) All food waste disposal containers shall be constructed to prevent vermin and insect infestation.

(i) All food waste disposal containers used within a camp car shall be emptied after each meal, or at least every four hours, whichever period is less.

(ii) All food waste disposal containers used outside a camp car shall be located to prevent offensive odors from entering the sleeping quarters.

(iii) All kitchen area camp car sinks used for food washing and preparation and all kitchen area floor drains shall be connected to a public sewer where available and practicable, unless the car is equipped with a holding tank that is emptied in a sanitary manner. For kitchen area sinks and floor drains identified in this paragraph (c)(4)(iii) connected to a holding tank, the tank must be constructed in a manner that prevents vermin from entry into the tank or odors from escaping into any camp car.

(iv) The sewage disposal method must not endanger the health of occupants.

(5) When a separate kitchen or dining hall car is provided, there must be a closeable door between the living or sleeping quarters into a kitchen or dining hall car.

(d) *Food handling.* (1) All food service facilities and operations for occupants of a camp car by the railroad or its contractor(s) or subcontractor(s) shall be carried out in accordance with sound hygienic principles. In all places of employment where all or part of the food service is provided, the food dispensed must be wholesome, free from spoilage, and must be processed, prepared, handled, and stored in such a manner as to be protected against contamination. See § 228.323, Potable water, generally.

(2) No person with any disease communicable through contact with food or a food preparation item may be employed or permitted to work in the preparation, cooking, serving, or other handling of food, foodstuffs, or a material used therein, in a kitchen or dining facility operated in or in connection with a camp car.

(e) The limitations of paragraphs (c) and (d) of this section do not apply to food service from restaurants near the camp car consist that are subject to State law.

**§ 228.327 Waste collection and disposal.**

(a) *General disposal requirements.* All sweepings, solid or liquid wastes, refuse, and garbage in a camp must be removed in such a manner as to avoid creating a menace to health and as often as necessary or appropriate to maintain a sanitary condition.

(b) *General waste receptacles.* Any exterior receptacle used for putrescible solid or liquid waste or refuse in a camp shall be so constructed that it does not leak and may be thoroughly cleaned and maintained in a sanitary condition. Such a receptacle must be equipped with a solid tight-fitting cover, unless it can be maintained in a sanitary condition without a cover. This requirement does not prohibit the use of receptacles designed to permit the maintenance of a sanitary condition without regard to the aforementioned requirements.

(c) *Food waste disposal containers provided for the interior of camp cars.* An adequate number of receptacles constructed of smooth, corrosion resistant, easily cleanable, or disposable materials, must be provided and used for the disposal of waste food. Receptacles must be provided with a solid, tight-fitting cover unless sanitary conditions can be maintained without use of a cover. The number, size, and location of such receptacles must

encourage their use and not result in overfilling. They must be emptied regularly and maintained in a clean, safe, and sanitary condition.

#### § 228.329 Housekeeping.

(a) A camp car must be kept clean to the extent allowed by the nature of the work performed by the occupants of the camp car.

(b) To facilitate cleaning, every floor, working place, and passageway must be kept free from protruding nails, splinters, loose boards, and unnecessary holes and openings.

#### § 228.331 First aid and life safety.

(a) An adequate first aid kit must be maintained and made available for occupants of a camp car for the emergency treatment of an injured person.

(b) The contents of the first aid kit shall be placed in a weatherproof container with individual sealed packages for each type of item, and shall be checked at least weekly when the camp car is occupied to ensure that the expended items are replaced. The first aid kit shall contain, at a minimum, the following:

- (1) Two small gauze pads (at least 4 x 4 inches);
- (2) Two large gauze pads (at least 8 x 10 inches);
- (3) Two adhesive bandages;
- (4) Two triangular bandages;
- (5) One package of gauge roller bandage that is at least 2 inches wide;
- (6) Wound cleaning agent, such as sealed moistened towelettes;
- (7) One pair of scissors;
- (8) One set of tweezers;
- (9) One roll of adhesive tape;
- (10) Two pairs of latex gloves; and
- (11) One resuscitation mask.

(c) Each sleeping room shall be equipped with the following:

- (1) A functional portable Type ABC fire extinguisher; and
- (2) Either a functional smoke alarm and a carbon monoxide alarm, or a functional combined smoke-carbon-monoxide alarm.

(d) Each camp car consist shall have an emergency preparedness plan prominently displayed so all occupants of the camp car consist can view it at their convenience. The plan shall address the following subjects for each location where the camp car consist is used to house railroad employees or MOW workers:

- (1) The means used to be aware of and notify all occupants of impending weather threats, including thunderstorms, tornados, hurricanes, floods, and other major weather-related risks;

(2) Shelter-in-place and emergency and evacuation instructions for each of the specific threats identified; and

(3) The address and telephone number of the nearest emergency medical facility and directions on how to get there from the camp car consist.

#### § 228.333 Remedial action.

A railroad shall, within 24 hours after receiving a good faith notice from a camp car occupant or an employee labor organization representing camp car occupants or notice from a Federal Railroad Administration inspector, including a certified State inspector under part 212 of this chapter, of noncompliance with this subpart, correct each non-complying condition on the camp car or cease use of the camp car as sleeping quarters for each occupant. In the event that such a condition affects the safety or health of an occupant, such as, but not limited to, water, cooling, heating, or eating facilities, sanitation issues related to food storage, food handling or sewage disposal, vermin or pest infestation, or electrical hazards, the railroad must immediately upon notice provide alternative arrangements for housing and providing food to the employee or MOW worker until the condition adverse to the safety or health of the occupant(s) is corrected.

#### § 228.335 Electronic recordkeeping.

(a) Each railroad shall keep records as required by § 228.323 either—

(1) On paper forms provided by the railroad, or

(2) By electronic means that conform with the requirements of subpart D of this part.

(b) Records required to be kept shall be made available to the Federal Railroad Administration as provided by 49 U.S.C. 20107.

#### Appendix A to Part 228 [Amended]

■ 14. The last paragraph of the discussion headed “Sleeping Quarters” in Appendix A to part 228 is removed.

#### Appendix C to Part 228 [Removed and Reserved]

■ 15. Appendix C to part 228 is removed and reserved.

Issued in Washington, DC, on October 24, 2011.

Joseph C. Szabo,  
Administrator.

[FR Doc. 2011-27818 Filed 10-28-11; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 100804324-1265-02]

RIN 0648-BB47

#### Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; inseason adjustments to biennial groundfish management measures; request for comments.

**SUMMARY:** This final rule announces inseason changes to management measures in the commercial Pacific Coast groundfish fisheries. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to allow fisheries to access more abundant groundfish stocks while protecting overfished and depleted stocks.

**DATES:** Effective 0001 hours (local time) November 1, 2011. Comments on this final rule must be received no later than November 30, 2011.

**ADDRESSES:** You may submit comments, identified by FDMS docket number NOAA-NMFS-2010-0194 by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

- *Fax:* (206) 526-6736, Attn: Gretchen Hanshew.

- *Mail:* William W. Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070, Attn: Gretchen Hanshew.

*Instructions:* All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain

# **Appendix D**

## **Camp Car Rules Compliance Audit Checklist**





*Federal Railroad Administration*

## **Camp Car Rules Compliance Audit Checklist**

### **Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228—Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters**

#### **Notes and Instructions**

Inspectors should use this checklist and its guidance to conduct inspections of camp cars. See the Camp Car Rules Compliance Manual for additional information.

To fill out the checklist, check each box in the “Part 228” column after the section is completed. Check appropriate boxes in the “Criteria” and “Complies” columns to indicate a “Yes” or “No” answer to the listed questions. Use the “Notes” area at the bottom of each page for any comments.

Note: Some regulation sections contain multiple requirements. Where these elements are not part of a separately identified subsection, the matching defect codes are identified by a decimal (e.g., for elements of 228.309(d), the sub-elements are identified by 228.309.D1 and 228.309.D2). In some cases, the elements are divided into separate blocks of the checklist.

Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228–Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters		Complies		Date:	
				Carrier:	
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
<b>Subpart A–General</b>					
§ 228.1(c)	<input type="checkbox"/>	<p>The added language clarifies that the rule covers camp cars occupied by maintenance-of-way (MOW) workers in addition to hours of service (HOS) employees. HOS employees who may make use of sleeping quarters generally are understood to mean engineers and conductors.</p> <p>✓ Interview the managers of the railroad or railroad contractor to determine if they understand that camp cars occupied by MOW workers are covered by these rules.</p> <ul style="list-style-type: none"> <li>• Does the railroad provide camp cars to all classes of workers included in the Scope?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.001.C–Failure to provide compliant camp cars to all classes of workers included in Scope.
§ 228.3(b)	<input type="checkbox"/>	<p>Certain types of railroads are exempted, if they meet these conditions:</p> <ul style="list-style-type: none"> <li>• Does the railroad operate only within a facility?</li> <li>• Is it a railroad that operates tourist, scenic, historic, or excursion operations?</li> <li>• Is it a rapid transit operation NOT connected to the general railroad system?</li> </ul>	<p>Any</p> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>None</p> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	228.003.B–Railroad, contractor for a railroad, or subcontractor for a railroad claims an improper exemption from compliance with camp car regulations.
§ 228.5		No criteria to evaluate–definitions amended to add new ones.			
<b>Subpart C–Construction of Railroad-Provided Sleeping Quarters</b>					
§ 228.101		No criteria to evaluate–section caption change only.			

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<b>Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228–Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters</b>		Complies		Date:
		Yes	No	Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria		Defect Codes
§ 228.102	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>✓ Determine if switching or humping operations of placarded cars occurs within one-half mile of the camp car camp by observation.</li> <li>✓ Measure from the nearest rail of the nearest track from switching or humping operations are performed to the point on the site where the closest exterior wall of the closest camp car is located.</li> <li>• Are camp cars far enough away from identified operations?</li> </ul>		228.102–Failure to locate camp cars at a sufficient distance from switching or humping operations of placarded cars.
<b>Subpart E–Safety and Health Requirements for Camp Cars Provided by Railroads as Sleeping Quarters</b>				
§ 228.303(a)		No criteria to evaluate–evaluated under § 228.3(b).		
§ 228.303(b)	<input type="checkbox"/>	Contractors and subcontractors for railroads that provide camp cars for employee accommodations or services related to them are treated as if they are railroads with respect to compliance with this part. <ul style="list-style-type: none"> <li>• Do contractors or subcontractors for a railroad comply with Subpart E?</li> </ul>		228.303.B–Failure of a contractor or subcontractor for a railroad to comply with Subpart E.
§ 228.305	<input type="checkbox"/>	Compliant camp cars must be provided as of December 30, 2011. <ul style="list-style-type: none"> <li>• Does the railroad provide a camp car for use as sleeping quarters by an employee or MOW worker that complies with all requirements of this subpart?</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>This is the overall defect for both contractor and railroad-supplied camp cars. If criteria defined below do NOT meet requirements, this overall defect will be cited.</b></p> </div>		228.305–Failure to provide compliant camp cars.

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Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228–Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters			Complies		Date:
					Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.309(a)	<input type="checkbox"/>	<p>The exterior should not have any flaws, such as penetrations, fittings, windows and doors/frames damage, that compromise the structure’s ability to provide protection from the elements.</p> <ul style="list-style-type: none"> <li>✓ Visually inspect each camp car to ensure that the building envelope is intact, and that there are no breaches to the camp car that will expose occupants to the elements.</li> <li>✓ Document flaws by written description or photographs (car IDs and locations of flaws).</li> <li>• Is each camp car constructed in a manner that will provide protection against the elements?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.309.A–Failure to maintain structural integrity of camp cars in such a way that occupants will be protected from the elements.
§ 228.309(b)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>✓ Visually inspect each camp car’s floors.</li> <li>• Are floors of smooth and tight construction and kept in good repair?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.309.B–Failure to maintain smooth, tight construction of floors.
§ 228.309(c)(1)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>✓ Measure and inspect the windows.</li> <li>• Is the surface area of all windows at least 10 percent of the overall floor dimensions? (Include windows in doors.)</li> <li>• Is at least one-half of each window designed to be opened for ventilation?</li> <li>• Do the windows have coverings that reduce light during sleeping hours?</li> </ul>	All <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Any <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	228.309.C1–Failure to provide windows that meet the structural requirements.

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Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228—Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters			Complies		Date:
					Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.309(c)(2)	<input type="checkbox"/>	<p>All exterior openings must be effectively screened with 16-mesh material and all screen doors equipped with self-closing devices.</p> <ul style="list-style-type: none"> <li>Are all exterior openings effectively screened with 16-mesh material? (16-mesh window screen is 16 wires by 16 wires per inch.)</li> <li>Are all screen doors equipped with a self-closing device?</li> </ul>	<p>All</p> <input type="checkbox"/> <input type="checkbox"/>	<p>Any</p> <input type="checkbox"/> <input type="checkbox"/>	228.309.C2—Failure to provide adequate exterior opening protection.
§ 228.309(d)	<input type="checkbox"/>	<p>All steps, entryways, passageways, and corridors providing normal entry to or between camp cars must be constructed of durable weather-resistant material and properly maintained.</p> <ul style="list-style-type: none"> <li>Are any broken or unsafe fixtures or components in need of repair repaired or replaced promptly?</li> <li>Are all walking surfaces constructed of durable weather-resistant material?</li> <li>Are all walking surfaces properly maintained?</li> </ul>	<p>All</p> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Any</p> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>228.309.D1—Failure to construct walking surfaces of durable weather-resistant material.</p> <p>228.309.D2—Failure to maintain walking surfaces in good repair.</p>
§ 228.309(e)	<input type="checkbox"/>	<p>At a minimum, a means of emergency egress must be located in at least two places in a camp car.</p> <p>✓ Visually inspect each camp car for exits.</p> <ul style="list-style-type: none"> <li>Does each camp car provide at least two emergency exits?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.309.E—Failure to provide adequate means of egress in case of an emergency situation.

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<b>Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228–Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters</b>		Complies		Date:
		Yes	No	Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria		Defect Codes
§ 228.309(f)	<input type="checkbox"/>	Each habitable room in a camp car (including a toilet room) that is provided to an occupant must be provided with adequate lighting. <ul style="list-style-type: none"> <li>Is each exit pathway lighted with at least 1 footcandle?</li> <li>Is each toilet and shower room lighted with at least 10 footcandles?</li> <li>Are all other areas lighted with at least 30 footcandles?</li> </ul>		228.309.F1–Failure to provide minimum of 1-foot candle in all exit pathways. 228.309.F2–Failure to provide a minimum of 10-foot candles in toilet and shower rooms. 228.309.F3–Failure to provide a minimum of 30-foot candles, in other areas.
§ 228.309(g)	<input type="checkbox"/>	A thermostat or other temperature control must be present in each camp car. A minimum of 68° F and a maximum of 75° F must be maintained unless occupants prefer otherwise. <ul style="list-style-type: none"> <li>Is the temperature set within the required or preferred range?</li> <li>If the device has a thermometer, does the temperature match the setting?</li> </ul>		228.309.G–Failure to provide equipment for maintaining a temperature of at least 68 degrees Fahrenheit (F.) during cold weather and no greater than 75 degrees F. during hot weather.
§ 228.309(h)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>✓ Interview the occupants to determine if they are disturbed by noise during sleeping periods.</li> <li>✓ If occupants have noise complaints, perform noise measurements to determine if the Leq(8) value exceeds 55 dB(A) for any 480-minute period during which the facility is occupied.</li> <li>✓ Determine if noise sources are from passing trains, camp car generator sets, or other noise sources under the railroad’s control.</li> <li>Has camp car management conducted any noise measurements and do the levels comply?</li> <li>If FRA does measurements, are the findings within the limit?</li> </ul>		228.309.H–Failure to control noise from noise sources attributable to the railroad.

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Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228—Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters			Complies		Date:
					Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.311(a)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>✓ Perform prescribed measurements. For floor space per occupant, measure the overall outer dimension of the car (length by width (LxW)) and divide by 4.</li> <li>• Does each camp car contain at least 80 square feet of floor space for each occupant, with a maximum of four occupants per car?</li> <li>• Does each camp car have at least a 7-foot ceiling, measured at the entrance to the car?</li> </ul>	All  <input type="checkbox"/>  <input type="checkbox"/>	Any  <input type="checkbox"/>  <input type="checkbox"/>	228.311.A1—Failure to provide at least 80 square feet of floor space for each occupant, when used for sleeping purposes, with a maximum of four occupants per car.  228.311.A2—Failure to provide at least a 7-foot ceiling.
§ 228.311(b)	<input type="checkbox"/>	Beds must have lateral spacing of at least: <ul style="list-style-type: none"> <li>○ 36 inches for nonpartitioned occupancy, or</li> <li>○ 30 inches for rail-mounted modular units, or</li> <li>○ 26 inches for highway trailer units, and</li> <li>○ At least 30 inches end to end, and</li> <li>○ At least 12 inches from the floor.</li> </ul> <ul style="list-style-type: none"> <li>• Are the beds, cots, or bunks in the car spaced properly?</li> <li>• Are there lockable wall or foot lockers available?</li> </ul>	All  <input type="checkbox"/>  <input type="checkbox"/>	Any  <input type="checkbox"/>  <input type="checkbox"/>	228.311.B—Failure to provide a properly spaced bed, cot, or bunk, or lockable storage.
§ 228.311(c)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>✓ Determine if the collective bargaining agreement (CBA) addresses provision of clean linens.</li> <li>• Are clean linens provided for each occupant per the CBA?</li> <li>• If no CBA applies, are clean linens provided for each occupant?</li> </ul>	Any  <input type="checkbox"/>  <input type="checkbox"/>	Any  <input type="checkbox"/>  <input type="checkbox"/>	228.311.C—Failure to provide clean linens to each occupant.

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<b>Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228—Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters</b>		Complies		Date:
		Yes	No	Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria		Defect Codes
§ 228.311(d)	<input type="checkbox"/>	All	Any	228.311.D1—Failure to provide 120 square feet of floor space per occupant when used for cooking, living, and sleeping purposes. 228.311.D2—Failure to provide sanitary facilities for storing and preparing food.
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
§ 228.313(a)	<input type="checkbox"/>	All	Any	228.313.A1—Failure to provide a copy of the industry-recognized standard upon request by the FRA. 228.313.A2—Failure to install equipment according to an industry-recognized standard. 228.313.A3—Failure to install approved equipment.
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
§ 228.313(b)	<input type="checkbox"/>			228.313.B—Failure to have properly wired electrical system according to an industry-recognized standard and/or failure to provide a copy of the standard upon request by the FRA.
		<input type="checkbox"/>	<input type="checkbox"/>	

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<b>Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228—Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters</b>			Complies		Date:
					Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.313(c)	<input type="checkbox"/>	Each occupied camp car must be equipped with or serviced by a safe and working heating, ventilation, and air-conditioning (HVAC) system. <ul style="list-style-type: none"> <li>Is the camp car equipped with or serviced by a working HVAC system as required?</li> <li>Is the system labeled with one of the testing laboratory approval labels as in § 228.313(a)?</li> </ul>	All  <input type="checkbox"/>  <input type="checkbox"/>	Any  <input type="checkbox"/>  <input type="checkbox"/>	228.313.C—Failure to equip each camp car with a safe and working HVAC system.
§ 228.315	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>✓ Inspect the exterior of the camp cars for entry points for rodents or other vermin. Any holes, cracks, or gaps of one-quarter inch in size or larger are sufficient for rodents to enter.</li> <li>✓ Inspect the interior of the camp cars for evidence of insects or harborage for rodents.</li> <li>Is each camp car constructed, equipped, and maintained to prevent the entrance or harborage of rodents, insects, or other vermin?</li> <li>If there is evidence of infestation, has the railroad instituted a continuing and effective extermination program?</li> </ul>	All  <input type="checkbox"/>  <input type="checkbox"/>	Any  <input type="checkbox"/>  <input type="checkbox"/>	228.315.A1—Failure to construct, equip, and maintain camp cars to prevent the entrance or harborage of rodents, insects, or other vermin.  228.315.A2—Failure to institute a continuing and effective extermination program.
§ 228.317(a)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Does each camp car have the proper number of toilets? (one toilet per each two occupants)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.317.A—Failure to equip each camp car with proper number of toilets.
§ 228.317(b)	<input type="checkbox"/>	Each toilet room must occupy a separate compartment with a door that latches and has walls or partitions between fixtures to ensure privacy. <ul style="list-style-type: none"> <li>Do toilet rooms comply?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.317.B—Failure to provide a properly constructed toilet room.

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Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228—Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters			Complies		Date:
					Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.317(c)(1)	<input type="checkbox"/>	<p>An adequate supply of toilet paper must be provided in each toilet room or to occupants individually.</p> <ul style="list-style-type: none"> <li>Is toilet paper provided as required?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.317.C1—Failure to provide an adequate supply of toilet paper in each toilet room.
§ 228.317(c)(2)	<input type="checkbox"/>	<p>Each toilet must be kept in a clean and sanitary condition and cleaned regularly when the camp car is being used.</p> <p>In the case of a non-water carriage toilet facility, it must be cleaned and changed regularly when the camp car is being used.</p> <ul style="list-style-type: none"> <li>Is each toilet in a clean and sanitary condition?</li> <li>Is each toilet cleaned regularly when the camp car is being used?</li> <li>Are non-water carriage toilets cleaned and changed regularly when the camp car is being used?</li> </ul>	<p>All</p> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Any</p> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	228.317.C2—Failure to maintain toilet(s) in clean and sanitary condition when camp car is being used.
§ 228.317(d)(1)	<input type="checkbox"/>	<p>All sanitary sewer lines and floor drains from a camp car toilet facility must be connected to a public sewer where available and practical or to a holding tank that is emptied in a sanitary manner.</p> <ul style="list-style-type: none"> <li>Where there is an available sanitary sewer in close proximity to the camp car and there is a practical means of making a connection, are the sanitary and floor drains connected?</li> </ul> <p>If not:</p> <ul style="list-style-type: none"> <li>Are the holding tanks used for disposal of toilet waste and grey water emptied in a sanitary manner?</li> </ul>	<input type="checkbox"/> OR <input type="checkbox"/>	<input type="checkbox"/> OR <input type="checkbox"/>	<p>228.317.D1i—Failure to connect all sanitary sewer lines and floor drains to a public sewer or holding tank.</p> <p>OR</p> <p>228.317.D1ii—Failure to empty holding tanks in a sanitary manner.</p>

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Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228–Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters			Complies		Date:
			Yes	No	Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.317(d)(2)	<input type="checkbox"/>	<p>The sewage disposal method must not endanger the health of occupants.</p> <ul style="list-style-type: none"> <li>✓ If a sanitary sewer connection is used, inspect connections and lines leading to it for integrity. Make note of or photograph any leaks.</li> <li>✓ If holding tanks are used, inspect lines and connections to each tank for leaks.</li> <li>• Does the sewage disposal method prevent the escape of sewage that could endanger the health of occupants?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.317.D2–Failure to provide a sewage disposal method which protects the health of the occupants.
§ 228.317(d)(3)	<input type="checkbox"/>	<p>If tanks are used for sewage disposal, all tanks and connections must be constructed in a manner that prevents vermin from entry and odors from escaping into the camp car.</p> <ul style="list-style-type: none"> <li>• Are tanks and connections constructed in a manner that prevents vermin from entry and odors from escaping into the camp car?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.317.D3–Failure to connect toilet facilities to a holding tank in a manner that prevents vermin from entry and odors from escaping into the camp car.
§ 228.319(a)	<input type="checkbox"/>	<p>Each camp car used for sleeping must contain at least one functioning lavatory for each two occupants. (“Lavatory” means sink, not toilet).</p> <ul style="list-style-type: none"> <li>• Are sufficient lavatories provided?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.319.A–Failure to provide proper number of functioning lavatories.
§ 228.319(b)	<input type="checkbox"/>	<p>Each lavatory must be provided with hot and cold running water.</p> <ul style="list-style-type: none"> <li>✓ Hand-test the water temperature in a random number of lavatories.</li> <li>• Does each lavatory provide hot and cold running water?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.319.B–Failure to provide hot and cold running potable water in lavatory.

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Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228—Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters			Complies		Date:
					Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.319(c)	<input type="checkbox"/>	✓ Determine if the CBA addresses provision of hand soap. <ul style="list-style-type: none"> <li>• Is hand soap provided per the CBA?</li> <li>• If no CBA applies, is hand soap provided?</li> </ul>	<input type="checkbox"/> OR <input type="checkbox"/>	<input type="checkbox"/> OR <input type="checkbox"/>	228.319.C—Failure to provide hand soap.
§ 228.319(d)	<input type="checkbox"/>	✓ Determine if the CBA addresses the provision of a means of hand drying. <ul style="list-style-type: none"> <li>• Is hand drying provided for each lavatory per the CBA?</li> <li>• If no CBA applies, is hand drying provided for each lavatory?</li> </ul>	<input type="checkbox"/> OR <input type="checkbox"/>	<input type="checkbox"/> OR <input type="checkbox"/>	228.319.D—Failure to provide means of drying.
§ 228.321(a)	<input type="checkbox"/>	Each camp car used for sleeping must contain at least one functioning shower for each two occupants. <ul style="list-style-type: none"> <li>• Are sufficient showers provided?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.321.A—Failure to equip each camp car with proper number of showers.
§ 228.321(b)	<input type="checkbox"/>	Shower floors must be constructed of nonslippery materials, with floor drains designed to remove waste water and facilitate cleaning, with all junctions of the curbing and the floor sealed, and with no fixed grate or other instrument on the shower floor significantly hindering the cleaning of the shower floor or drain. <ul style="list-style-type: none"> <li>• Are shower floors nonslip?</li> <li>• Are shower floor drains present?</li> <li>• Are shower curbing and floor junctions properly sealed?</li> <li>• Are shower floors and drains constructed to permit cleaning (with no fixed grates to interfere with cleaning)?</li> </ul>	All  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Any  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	228.321.B1—Failure to construct shower floors with non-slippery materials. 228.321.B2—Failure to provide floor drains in each shower facility. 228.321.B3—Failure to seal the junctions of the curbing in each shower facility. 228.321.B4—Failure to provide for adequate cleaning of the shower floor or drain.

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<b>Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228–Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters</b>		Complies		Date:
		Yes	No	Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria		Defect Codes
§ 228.321(c)	<input type="checkbox"/>	The walls and partitions of each shower room must be smooth and impervious to the height of splash. ("The height of splash" is generally 72 inches above the shower floor or 3 inches above the shower head, whichever is higher.) <ul style="list-style-type: none"> <li>Are the walls and partitions of each shower room properly constructed to the correct height?</li> </ul>		228.321.C–Failure to provide smooth and impervious walls and partitions in each shower to the height of the splash.
§ 228.321(d)	<input type="checkbox"/>	An adequate supply of hot and cold running potable water must be provided for showering purposes. <ul style="list-style-type: none"> <li>Hand-test the water temperature in a random number of showers.</li> <li>Is each shower provided with hot and cold running water?</li> </ul> (The evaluation of the supply system and potability of the water must be determined by evaluation of compliance with § 228.323).		228.321.D–Failure to provide hot and cold running potable water for showering purposes.
§ 228.321(e)(1) & (3)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Determine if the CBA addresses provision of cleansing agents and clean towels.</li> <li>Inspect each camp car lavatory and speak with occupants to determine if they have adequate supplies of cleansing agents and towels.</li> <li>Is each shower provided with cleansing agents and clean towels per the CBA?</li> <li>If no CBA applies, is each shower provided with cleansing agents and clean towels?</li> <li>Are they convenient to the showers?</li> </ul>		228.321.E1–Failure to provide appropriate cleansing agent.  228.321.E3–Failure to provide each occupant with a clean towel.

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49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.321(e)(2)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Are showers provided with hot and cold water feeding a common discharge line? (This means a shower head connected to a fixture that mixes hot and cold water.)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.321.E2—Failure to provide hot and cold water feeding a common discharge line.
§ 228.323(a)(1)	<input type="checkbox"/>	<p>A complete evaluation of the rest of the § 228.323 elements must be done to answer this question.</p> <ul style="list-style-type: none"> <li>Is potable water adequately and conveniently provided to all occupants of a camp car for drinking, personal oral hygiene, washing of person, cooking, washing of food, washing of cooking or eating utensils, and washing of premises for food preparation or processing?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.323.A1—Failure to provide potable water in each camp car.
§ 228.323(a)(2)	<input type="checkbox"/>	<p>Open containers such as barrels, pails, or tanks for drinking water from which the water must be dipped or poured, whether or not they are fitted with a cover, must be prohibited.</p> <ul style="list-style-type: none"> <li>✓ Determine by observation and interviews if any open containers are used.</li> <li>Are all containers used for providing potable drinking water in the camp cars constructed in a manner to prevent contamination and not open for common access such as barrels, pails, or open topped tanks?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.323.A2—Failure to provide potable water in appropriate containers.
§ 228.323(a)(3)	<input type="checkbox"/>	<p>Common drinking cups or other common utensils must not be used by the occupants.</p> <ul style="list-style-type: none"> <li>✓ Determine if any common drinking utensils are used by observation and interviews.</li> <li>Are all drinking cups or other utensils being used by the occupants for consumption of potable water individually issued, disposable, or cleaned between uses?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.323.A3—Failure to provide individual drinking cups or utensils for use with potable water.

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<b>Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228–Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters</b>		Complies		Date:
		Yes	No	Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria		Defect Codes
§ 228.323(b)(1)	<input type="checkbox"/>	Potable water provided in bottled form must be stored in a manner recommended by the supplier to prevent contamination in storage.  Bottled water must not be provided as a substitute for the hot and cold running potable water in lavatories, showers, and sinks.  Bottled water must be labeled to identify the packager and the source of the water. <ul style="list-style-type: none"> <li>• Is bottled water provided?</li> <li>• Is bottled water stored in a manner recommended by the supplier?</li> <li>• Hot and cold running potable water in lavatories, showers, and sinks is not replaced by bottled water?</li> <li>• Do the bottles or caps contain a label identifying the packager and the source of the water?</li> </ul>	All   If yes <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Any   228.323.Bi–Failure to store provided bottled water according to the suppliers restrictions.  228.323.Bii–Bottled water is provided as a substitute for the hot and cold running potable water in lavatories, showers, and sinks.  228.323.Biii–Bottled water is not properly labeled.
§ 228.323(b)(2)	<input type="checkbox"/>	Drinking water from a local water system source must meet drinking water standards established by the Environmental Protection Agency (EPA) under 40 CFR Part 141, National Primary Drinking Water Regulations. <ul style="list-style-type: none"> <li>• Does the source comply?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>  228.323.B2–Failure to provide potable water that meets the drinking water standards established by the U.S. Environmental Protection Agency under 40 CFR Part 141, National Primary Drinking Water Regulations.
Note: The following evaluation element is moved forward since it defines the source certification requirements and the alternative for providing a source certified by the EPA for potable water.				

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49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria		Defect Codes
§ 228.323(b)(6)	<input type="checkbox"/>	All	Any	228.323.B6i—Failure to obtain certificate from the state or local health department. 228.323.B6ii—Failure to maintain a signed and dated record within the camp for the duration of the connection. 228.323.B6iii—Failure to submit the record to a centralized location upon termination of the connection.
Return to sequence.				
§ 228.323(b)(3)	<input type="checkbox"/>			228.323.B3—Failure to use systems and equipment that is approved by the Food and Drug Administration.

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					Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.323(b)(4)	<input type="checkbox"/>	<p>Each potable water hydrant, hose, or nozzle must be inspected before use.</p> <p>Each hose or nozzle must be cleaned and sanitized as part of an inspection.</p> <p>Signed, dated inspection records must be kept in the camp for the period of the connection.</p> <p>When terminated, a copy of these records must be submitted promptly to a centralized railroad location and maintained for 1 year from the date of termination.</p> <ul style="list-style-type: none"> <li>• Have all water hydrants, hoses, or nozzles used for supplying potable water to the camp car water system been inspected before use?</li> <li>• Were all hoses or nozzles cleaned and sanitized as part of the inspection?</li> <li>• Are records of these inspections available?</li> <li>• Are the records signed and dated and up to date for the current connection?</li> <li>• Have copies of each of these records been submitted promptly to a centralized location for the railroad after the connection was terminated?</li> <li>• Are copies of each of these records maintained for 1 year from the date the connections were terminated?</li> </ul>	<p>All</p>          <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Any</p>          <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>228.323.B4i–Failure to inspect hydrants, hoses, or nozzles prior to use.</p> <p>228.323.B4ii–Failure to ensure equipment is clean and sanitary during inspection.</p> <p>228.323.B4iii–Failure to maintain a current signed and dated record of inspection.</p> <p>228.323.B4iv–Failure to submit copies of these connection records to a centralized location for the railroad.</p> <p>228.323.B4v–Failure to maintain records for one year after termination of the connections.</p>

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49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.323(b)(5)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Has each individual who is permitted to fill the potable water system been trained?</li> </ul> <p>Does the training cover:</p> <ul style="list-style-type: none"> <li>The approved method of inspecting, cleaning, and sanitizing hydrants, hoses, and nozzles used for filling potable water systems?</li> <li>The approved procedures to prevent contamination during watering?</li> <li>The correct method for mixing sanitizing solution?</li> </ul>	All <input type="checkbox"/>	Any <input type="checkbox"/>	228.323.B5—Failure to provide adequate training for those individuals who fill the potable water system.
§ 228.323(c)(1)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Is potable water stored in sanitary containers that prevent external contaminants from entering the potable water supply?</li> <li>Are any relief valves, air inlets, or vents fitted with filters?</li> </ul>	All <input type="checkbox"/>	Any <input type="checkbox"/>	228.323.C1—Failure to store potable water in sanitary containers that are properly protected.
§ 228.323(c)(2)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Are potable drinking water dispensers designed, constructed, and serviced so that sanitary conditions are maintained?</li> <li>Are dispensers capable of being closed, and equipped with a tap?</li> </ul>	All <input type="checkbox"/>	Any <input type="checkbox"/>	228.323.C2—Failure to maintain potable water dispensers in a sanitary and operable state.
§ 228.323(c)(3)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Are distribution lines capable of supplying water at sufficient operating pressures to all taps for normal simultaneous operation?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.323.C3—Failure to ensure that distribution system can supply water at sufficient operating pressures.

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					Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.323(c)(4)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Is each potable water system drained and flushed with a disinfecting solution at least once every 120 days?</li> <li>Are records of the last two drain-and-flush cycles maintained?</li> <li>Do the records contain the date of the work and the name(s) of the individual(s) performing the work?</li> <li>Is the original record maintained with the camp?</li> <li>Are copies of each of these records sent to a centralized location for the railroad and maintained for 1 year?</li> </ul>	All <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	Any <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	228.323.C4a1–Failure to drain and flush potable water system at least once every 120 days.  228.323.C4a2–Failure to maintain records with the required information.  228.323.C4a3–Failure to maintain records at the camp as required.  228.323.C4a4–Failure to transmit records to a centralized location.  228.323.C4a5–Failure to maintain records at the centralized location.
§ 228.323(c)(4)(i)–(iii)	<input type="checkbox"/>	The solution used for flushing and disinfection must be a 100 parts per million by volume (ppmv) chlorine solution. <ul style="list-style-type: none"> <li>Is a copy of the flushing procedure available?</li> <li>Is the solution used for flushing and disinfection at least 100 ppmv?</li> <li>Is the solution held for 1 hour in all parts of the system?</li> <li>Is chlorine purged from the system by complete refilling and draining with fresh potable water?</li> </ul>	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	228.323.C4i–Failure to use a flushing and disinfection solution of the proper concentration.  228.323.C4ii–Failure to hold chlorine solution for one hour to ensure disinfection.  228.323.C4iii–Failure to purge the system adequately.

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Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228–Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters		Complies		Date:	
				Carrier:	
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.323(c)(4)(iv)	<input type="checkbox"/>	<p>The draining and flushing must be done more frequently if an occupant reports a taste or health problem associated with the water, or following any plumbing repair.</p> <ul style="list-style-type: none"> <li>✓ Review the procedures to see how the reports of taste or health are addressed.</li> <li>✓ Ask the person(s) responsible for maintaining the potable water system how often a flush is done for one of these reasons.</li> <li>✓ Ask the person(s) responsible how long after the reports is the flush procedure initiated.</li> <li>• Is the system drained and flushed promptly after health or taste problem reports or after repairs?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.323.C4iv–Failure to perform draining and flushing associated with problem reports.
§ 228.323(c)(5)	<input type="checkbox"/>	<p>Water samples must be sent to a laboratory for testing for bacteria following reports of a taste or health problem.</p> <ul style="list-style-type: none"> <li>• Have a sufficient number of samples (from each tap or dispensing location on the system) been collected?</li> </ul> <p>If a single sample fails a heterotrophic plate count, the railroad must drain and flush the system within 2 days, and then return it to service.</p> <ul style="list-style-type: none"> <li>• Was the draining and flushing done?</li> <li>• Was it done within the 2-day timeframe of receipt of the lab results?</li> </ul>	<p>All</p> <input type="checkbox"/>	<p>Any</p> <input type="checkbox"/>	228.323.C5i–Failure to perform potable water sampling and system remediation as required, if a sample fails a heterotrophic plate count.

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<b>Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228–Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters</b>		Complies		Date:
		Yes	No	Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria		Defect Codes
§ 228.323(c)(5)	<input type="checkbox"/>	If a single sample fails a total coliform test, the railroad must drain and flush the system, resample the system, and return it to service only if the lab outcome is negative for coliform tests. <ul style="list-style-type: none"> <li>• Was the draining and flushing done?</li> <li>• Was the re-sampling for lab testing done?</li> <li>• Was the system returned to service only after draining and flushing was completed?</li> </ul>		All <input type="checkbox"/> Any <input type="checkbox"/> 228.323.C5ii–Failure to perform potable water sampling and system remediation as required, if a sample fails a total coliform test.
§ 228.323(c)(5)	<input type="checkbox"/>	If a single sample fails a fecal coliform test, the railroad must drain and flush the system, resample the system, and return it to service only if the lab outcome is negative for coliform tests. <ul style="list-style-type: none"> <li>• Was the draining and flushing done?</li> <li>• Was the resampling and lab testing done?</li> <li>• Was the system returned to service only after receipt of a negative lab result?</li> </ul>		All <input type="checkbox"/> Any <input type="checkbox"/> 228.323.C5iii–Failure to perform potable water sampling and system remediation as required, if a sample fails a fecal coliform test.

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<b>Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228–Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters</b>		Complies		Date:
		Yes	No	Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria		Defect Codes
§ 228.323(c)(6)	<input type="checkbox"/>	All	Any	228.323.C6–Failure to perform the record keeping and reporting procedures as required.

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Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228—Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters		Complies		Date:	
				Carrier:	
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.323(d)	<input type="checkbox"/>	<p>If any water outlet or faucet within the camp car facility supplies water not from a potable source, or from a potable source but supplied through a system that is not maintained as required, the outlet or faucet must be labeled with a sign, visible to the user and with a message to the following effect: “The water is not suitable for human consumption. Do not drink the water.”</p> <ul style="list-style-type: none"> <li>Are any water outlets or faucets within the camp car facility connected to a nonpotable source? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>Is potable water supplied through a system that is not maintained as required in this section? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul> <p>If both are No, go to 228.325; if either is Yes, answer the following:</p> <ul style="list-style-type: none"> <li>Are water outlets or faucets that dispense nonpotable water or systems properly labeled as required? <input type="checkbox"/></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.323.D—Failure to identify non-potable water outlets with required signs.
§ 228.325(a)–(b)	<input type="checkbox"/>	<p>No food or beverage may be stored in a toilet room or in an area exposed to a toxic material.</p> <p>No occupant may be allowed to consume a food or beverage in a toilet room or in any area exposed to a toxic material.</p> <ul style="list-style-type: none"> <li>Is the storage of food or beverage in a toilet room or in an area exposed to a toxic material clearly prohibited? <input type="checkbox"/></li> <li>Is the consumption of food or beverage in a toilet room or in an area exposed to a toxic material clearly prohibited? <input type="checkbox"/></li> </ul>	All <input type="checkbox"/>	Any <input type="checkbox"/>	<p>228.325.A—Failure to maintain sanitary conditions for food storage. Food and/or beverage stored in a toilet room or area exposed to toxic material.</p> <p>228.325.B—Failure to maintain sanitary conditions for food consumption. Food and/or beverage consumed in a toilet room or area exposed to toxic material.</p>

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<b>Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228–Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters</b>		Complies		Date:	
				Carrier:	
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.325(c)(4)-(i)-(ii)	<input type="checkbox"/>	<p>All food waste disposal containers must be constructed to prevent vermin and insect infestation.</p> <p>All food waste disposal containers used within a camp car must be emptied after each meal, or at least every 4 hours, whichever is less.</p> <p>All food waste disposal containers used outside a camp car must be located to prevent offensive odors from entering the sleeping quarters.</p> <ul style="list-style-type: none"> <li>• Are all food waste disposal containers intact and fitted with covers to prevent infestation?</li> <li>• Are the containers emptied within the required timeframes?</li> <li>• Are any outside containers located to prevent offensive odors from entering the sleeper camp cars?</li> </ul>	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<p>228.325.C4–Failure to utilize properly constructed food waste containers.</p> <p>228.325.C4i–Failure to empty food waste containers as required.</p> <p>228.325.C4ii–Failure to locate food waste containers appropriately.</p>
§ 228.325(c)(4)(iii)–(iv)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Are the kitchen sinks and floor drains connected to a public sewer? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Does the connection prevent release of any sewage?</li> </ul> <p>If No:</p> <ul style="list-style-type: none"> <li>• Are the kitchen sinks and floor drains connected to a holding tank? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul> <p>If Yes, answer the following; if No, go to 228.325(c)(5).</p> <ul style="list-style-type: none"> <li>• Is the holding tank emptied in a sanitary manner?</li> </ul>	<input type="checkbox"/>  OR  <input type="checkbox"/>	<input type="checkbox"/>  OR  <input type="checkbox"/>	<p>228.325.C4iii–Failure to connect sinks and drains to a public sewer if available, or a holding tank that is emptied into a sanitary sewer.</p> <p>228.325.C4iv–Failure to maintain a sewage disposal method that does not endanger the health of occupants.</p>

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Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228—Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters		Complies		Date:	
				Carrier:	
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.325(c)(5)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Do any of the camp cars have a kitchen or dining hall in the same car as living or sleeping quarters? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul> <p>If Yes, answer the following; if No, go to 228.325(d).</p> <ul style="list-style-type: none"> <li>Is there a closeable door between the living or sleeping quarters and the kitchen or dining hall?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.325.C5—Failure to maintain a closeable door between the living or sleeping quarters into a kitchen or dining hall car.
§ 228.325(d)(1)	<input type="checkbox"/>	<p>All food service facilities and operations must be carried out according to sound hygienic principles.</p> <ul style="list-style-type: none"> <li>Is the food free from spoilage?</li> <li>Is the food processed, prepared, handled, and stored protected against contamination?</li> </ul>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>228.325.D1—Failure to carry out food service operations with sound hygienic principles.</p> <p>This defect code will be used if any of § 228.325(a) through § 228.325(c), as well as § 228.325(d)(2), are identified as being noncompliant.</p>
§ 228.325(d)(2)	<input type="checkbox"/>	<p>No person with any disease communicable through contact with food or a food preparation item may be employed or permitted to work in the preparation, cooking, serving, or other handling of food, foodstuffs, or materials used in a kitchen or dining facility operated in or in connection with a camp car.</p> <p><b>This area is potentially very sensitive, so be discreet and do not reveal findings to anyone in the camp. Consult with the Office of Chief Counsel and Medical Director before issuing a defect finding.</b></p> <p><b>Do not use this checklist to document compliance.</b></p>			228.325.D2—Failure to ensure no person with a communicable disease works in the food service or dining facility operated in, or in connection with, a camp car.

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Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228—Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters		Complies		Date:	
				Carrier:	
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.327(a)	<input type="checkbox"/>	<p>All sweepings, solid or liquid wastes, refuse, and garbage in a camp must be removed in such a manner as to avoid creating a menace to health and as often as necessary or appropriate to maintain a sanitary condition.</p> <ul style="list-style-type: none"> <li>• Are waste and garbage being removed in a timely manner?</li> <li>• Is there a schedule or minimum timeframe established by the camp to remove waste?</li> <li>• Is the schedule being followed?</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	228.327.A—Failure to remove all sweepings, solid or liquid wastes, refuse, and garbage in such a manner to maintain sanitary conditions.
§ 228.327(b)	<input type="checkbox"/>	<p>Exterior waste receptacles must be constructed so they do not leak and may be thoroughly cleaned and maintained in a sanitary condition.</p> <ul style="list-style-type: none"> <li>• Are waste receptacles equipped with a solid tight-fitting cover?</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Can waste receptacles be maintained in a sanitary condition without a cover?</li> <li>• Are damaged or leaking containers repaired or replaced as necessary?</li> </ul>	<input type="checkbox"/> OR <input type="checkbox"/> AND <input type="checkbox"/>	<input type="checkbox"/> OR <input type="checkbox"/> AND <input type="checkbox"/>	228.327.B—Failure to construct and maintain exterior receptacles used for putrescible solids and liquids as required by this part.

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Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228—Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters			Complies		Date:
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49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.327(c)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Are there an adequate number of food waste disposal containers present?</li> <li>• Are the containers constructed of smooth, corrosion-resistant, easily cleanable, or disposable materials?</li> <li>• If used, are paper containers removed to outside storage more frequently—for example, after each meal period?</li> <li>• Are all containers that are not disposable fitted with proper covers?</li> <li>• Are the number, size, and location of such receptacles adequate for the intended use and the population served?</li> <li>• Are they emptied regularly?</li> <li>• Are they maintained in a clean, safe, and sanitary condition?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.327.C—Failure to provide an adequate number of clean, safe, and sanitary waste receptacles equipped with a solid, tight-fitting cover within each camp car.
§ 228.329(a)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Is each camp car kept clean to the extent allowed by the nature of the work performed by the occupants of the camp car?</li> <li>• Do occupants have tools and supplies to keep their spaces clean?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.329.A—Failure to maintain camp car in clean condition to the extent allowed by the work performed.
§ 228.329(b)	<input type="checkbox"/>	<p>To facilitate cleaning, every floor, working place, and passageway must be kept free from protruding nails, splinters, loose boards, and unnecessary holes and openings.</p> <ul style="list-style-type: none"> <li>• Are walking surfaces and walls in good shape and free of prohibited flaws?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.329.B—Failure to maintain floor, working space, and passageway free from protruding nails, splinters, loose boards, and unnecessary holes and openings.

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Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228—Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters			Complies		Date:
					Carrier:
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.331(a)–(b)	<input type="checkbox"/>	<p>An adequate first aid kit must be maintained and made available for occupants of a camp car for the emergency treatment of an injured person.</p> <ul style="list-style-type: none"> <li>• Does each camp car have a first aid kit?</li> <li>• Is the kit in a weatherproof container?</li> <li>• Does each kit have individual sealed packages for each type of item required?</li> <li>• Does the kit contain the number of the items required?</li> <li>• Are the kits checked at least weekly when the camp car is occupied to ensure that the expended items are replaced?</li> </ul>	<p>All</p> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Any</p> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>228.331.A—Failure to maintain an adequate first aid kit as required.</p> <p>228.331.B—Failure to maintain an adequate first aid kit placed in a weatherproof container with individual sealed packages for each item, and checked at least weekly. Failure to maintain an adequate number of the first aid items required by this part.</p>
§ 228.331(c)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Are all sleeping rooms equipped with a Type ABC fire extinguisher?</li> <li>• Are all sleeping rooms equipped with a functional smoke alarm and carbon monoxide (CO) alarm or with a combined smoke/CO alarm?</li> </ul>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>228.331.C1—Failure to equip each sleeping room with a functional portable Type ABC fire extinguisher.</p> <p>228.331.C2—Failure to equip each sleeping room with a functional smoke/CO alarm.</p>
§ 228.331(d)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Does the camp car consist have an emergency preparedness plan?</li> <li>• Is it displayed in a location where all occupants of the camp car consist can view it at their convenience?</li> <li>• Does the plan contain information that addresses each of the emergency situations required?</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>228.331.D.1—Failure to display an emergency preparedness plan in each camp car consist.</p> <p>228.331.D.2—Failure of the emergency preparedness plan to adequately address the subjects required.</p>

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<b>Camp Car Rules Compliance Audit Checklist for Title 49 Code of Federal Regulations Part 228–Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters</b>		Complies		Date:	
				Carrier:	
49 CFR Part 228	Done <input checked="" type="checkbox"/>	Criteria	Yes	No	Defect Codes
§ 228.333	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Has the railroad received any good faith notices of noncompliance? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul> <p>If Yes, answer the following; if No, go to 228.335(a).</p> <ul style="list-style-type: none"> <li>Has the railroad promptly responded to good faith notices of noncompliance as required? <input type="checkbox"/></li> <li>Were the identified conditions corrected within 24 hours of the notice? <input type="checkbox"/></li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Was the car taken out of service within 24 hours of the notice? <input type="checkbox"/></li> <li>Was the condition such that it required the provision of alternative arrangements? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul> <p>If Yes, answer the following; if No, go to 228.335(a).</p> <ul style="list-style-type: none"> <li>Were the occupants provided alternative arrangements? <input type="checkbox"/></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.333.A1–Failure to take remedial action to correct non-complying conditions within the required time frame.  228.333.A2–Failure to provide alternative accommodations or food service while remedial actions are completed.
§ 228.335(a)	<input type="checkbox"/>	Does the railroad keep the records as required by § 228.323: <ul style="list-style-type: none"> <li>On paper forms provided by the railroad?</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>By electronic means that conform with the requirements of Subpart D of this part?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.335.A–Failure to keep records as required either on paper forms or by electronic means that conform with the requirements of Subpart D of this part.
§ 228.335(b)	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Are records made available to FRA as required?</li> <li>Are the required local records kept or displayed in the camp?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	228.335.B–Failure to make required records available to the Federal Railroad Administration as required.

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