(f) When any person, including a contractor for a railroad or track owner, performs any function required by this part, that person is required to perform that function in accordance with this part.

§ 213.7 Designation of qualified persons to supervise certain renewals and inspect track.

(a) Each track owner to which this part applies shall designate qualified persons to supervise restorations and renewals of track under traffic conditions. Each person designated shall have—
   (1) At least—
      (i) 1 year of supervisory experience in railroad track maintenance; or
      (ii) A combination of supervisory experience in track maintenance and training from a course in track maintenance or from a college level educational program related to track maintenance;
   (2) Demonstrated to the owner that he or she—
      (i) Knows and understands the requirements of this part;
      (ii) Can detect deviations from those requirements; and
      (iii) Can prescribe appropriate remedial action to correct or safely compensate for those deviations; and
   (3) Written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements of this part, pending review by a qualified person designated under paragraph (a) of this section.

(b) Each track owner to which this part applies shall designate qualified persons to inspect track for defects. Each person designated shall have—
   (1) At least—
      (i) 1 year of experience in railroad track inspection; or
      (ii) A combination of experience in track inspection and training from a course in track inspection or from a college level educational program related to track inspection;
   (2) Demonstrated to the owner that he or she—
      (i) Knows and understands the requirements of those written CWR procedures;
      (ii) Can detect deviations from those requirements; and
      (iii) Can prescribe appropriate remedial action to correct or safely compensate for those deviations; and
   (3) Written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements of those written CWR procedures issued by the track owner;
   (4) Demonstrated to the track owner that the individual:
      (i) Knows and understands the requirements of those written CWR procedures;
      (ii) Can detect deviations from those requirements; and
      (iii) Can prescribe appropriate remedial action to correct or safely compensate for those deviations; and

(c) Individuals designated under paragraphs (a) or (b) of this section that inspect continuous welded rail (CWR) track or supervise the installation, adjustment, and maintenance of CWR track in accordance with the written procedures of the track owner shall have:
   (1) Current qualifications under either paragraph (a) or (b) of this section;
   (2) Successfully completed a comprehensive training course specifically developed for the application of written CWR procedures issued by the track owner;
   (3) Demonstrated to the track owner that the individual:
      (i) Knows and understands the requirements of those written CWR procedures;
      (ii) Can detect deviations from those requirements; and
      (iii) Can prescribe appropriate remedial action to correct or safely compensate for deviations from the requirements in those procedures and successfully completed a recorded examination on those procedures as part of the qualification process.

(d) Persons not fully qualified to supervise certain renewals and inspect track as required in paragraphs (a) through (c) of this section, but with at least one year of maintenance-of-way or signal experience, may pass trains over broken rails and pull apart provided that—
   (1) The track owner determines the person to be qualified and, as part of doing so, trains, examines, and re-examines the person periodically within two years after each prior examination on the following topics as they relate
§ 213.9 Classes of track: operating speed limits.

(a) Except as provided in paragraph (b) of this section and §§213.57(b), 213.59(a), 213.113(a), and 213.137(b) and (c), the following maximum allowable operating speeds apply—

<table>
<thead>
<tr>
<th>Over track that meets all of the requirements prescribed in this part for—</th>
<th>The maximum allowable operating speed for freight trains is—</th>
<th>The maximum allowable operating speed for passenger trains is—</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excepted track .....................................................................</td>
<td>10 ........................................................................</td>
<td>N/A ........................................................................</td>
</tr>
<tr>
<td>Class 1 track .......................................................................</td>
<td>10 ........................................................................</td>
<td>15 ........................................................................</td>
</tr>
<tr>
<td>Class 2 track .......................................................................</td>
<td>25 ........................................................................</td>
<td>30 ........................................................................</td>
</tr>
<tr>
<td>Class 3 track .......................................................................</td>
<td>40 ........................................................................</td>
<td>60 ........................................................................</td>
</tr>
<tr>
<td>Class 4 track .......................................................................</td>
<td>60 ........................................................................</td>
<td>80 ........................................................................</td>
</tr>
<tr>
<td>Class 5 track .......................................................................</td>
<td>80 ........................................................................</td>
<td>90 ........................................................................</td>
</tr>
</tbody>
</table>

(b) If a segment of track does not meet all of the requirements for its intended class, it is reclassified to the next lowest class of track for which it does meet all of the requirements of this part. However, if the segment of track does not at least meet the requirements for Class 1 track, operations may continue at Class 1 speeds for a period of not more than 30 days without bringing the track into compliance, under the authority of a person designated under §213.7(a), who has at least one year of supervisory experience in railroad track maintenance, after that person determines that operations may safely continue and subject to any limiting conditions specified by such person.

§ 213.11 Restoration or renewal of track under traffic conditions.

If during a period of restoration or renewal, track is under traffic conditions and does not meet all of the requirements prescribed in this part, the work on the track shall be under the continuous supervision of a person designated under §213.7(a) who has at least one year of supervisory experience in railroad track maintenance, and subject to any limiting conditions specified by such person. The term “continuous supervision” as used in this section means the physical presence of that person at a job site. However, since the work may be performed over a large area, it is not necessary that each phase of the work be done under the visual supervision of that person.