

change or new design standard does not satisfy the performance criteria contained in Appendix E of this part (where applicable), the petition will be denied, normally within 90 days of its receipt. If the petition is neither granted nor denied within 90 days, the petition remains pending for decision. FRA may re-open a denial of a petition for cause stated.

(4) When FRA grants or denies a petition, or reopens consideration of the petition, written notice will be sent to the petitioner and other interested parties and a copy of the notice will be placed in the public docket of this proceeding.

[71 FR 36913, June 28, 2006, as amended at 74 FR 25173, May 27, 2009]

§ 229.213 Locomotive manufacturing information.

(a) Each railroad operating a locomotive subject to the requirements of this subpart must retain the following information:

(1) The date upon which the locomotive was manufactured or remanufactured;

(2) The name of the manufacturer or remanufacturer of the locomotive; and

(3) The design specification to which the locomotive was manufactured or remanufactured.

(b) The information required in paragraph (a) of this section must be located permanently in the locomotive cab or be provided within two business days upon request of FRA or an FRA-certified State inspector.

[71 FR 36914, June 28, 2006]

§ 229.215 Retention and inspection of designs.

(a) *Retention of records—original designs.* Each manufacturer or remanufacturer of a locomotive subject to this subpart shall retain all records of the original locomotive designs, including supporting calculations and drawings, pertaining to crashworthiness features required by this subpart. These records must be retained for the lesser period of:

(1) The life of such locomotive, except that records for a locomotive destroyed in a rail equipment accident/incident shall be retained for at least

12 months following the accident/incident; or

(2) Twenty years after the date of manufacture or, if remanufactured, twenty years after the date of remanufacture.

(b) *Retention of records—repairs and modifications.* Each owner or lessee of a locomotive subject to this subpart shall retain all records of repair or modification to crashworthiness features required by this subpart. These records must be retained for the lesser period of:

(1) The life of such locomotive, except that records for a locomotive destroyed in a rail equipment accident/incident shall be retained for at least 12 months following the accident/incident, or

(2) Twenty years after the date on which the repair or modification was performed.

(c) *Inspection of records.* Each custodian of records referred to in paragraphs (a) and (b) shall, upon request by FRA or an FRA-certified State inspector, make available for inspection and duplication within 7 days, any records referred to in paragraphs (a) and (b) of this section.

(d) *Third party storage of records.* Each custodian of records referred to in paragraphs (a) and (b) of this section may delegate storage duties to a third party; however, the custodian retains all responsibility for compliance with this section.

[71 FR 36914, June 28, 2006]

§ 229.217 Fuel tank.

(a) *External fuel tanks.* Locomotives equipped with external fuel tanks shall, at a minimum, comply with the requirements of AAR S-5506, “Performance Requirements for Diesel Electric Locomotive Fuel Tanks” (October 1, 2001), except for section 4.4. This paragraph does not apply to locomotives subject to the fuel tank safety requirements of §238.223 or §238.423 of this chapter. The Director of the Federal Register approves incorporation by reference of the AAR S-5506, “Performance Requirements for Diesel Electric Locomotive Fuel Tanks” (October 1, 2001) in this section in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of the

incorporated standard from the Association of American Railroads, 50 F Street NW., Washington, DC 20001. You may inspect a copy of the incorporated standard at the Federal Railroad Administration, Docket Clerk, 1200 New Jersey Avenue, SE., Washington, DC 20590 or at the National Archives and Records Administration (NARA). For more information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) *Internal fuel tanks.* Locomotives equipped with internal fuel tanks shall,

at a minimum, comply with the requirements of § 238.223(b) of this chapter.

[71 FR 36914, June 28, 2006, as amended at 74 FR 25173, May 27, 2009]

APPENDIX A TO PART 229—FORM FRA 6180–49A

EDITORIAL NOTE: Appendix A, published at 45 FR 21118, Mar. 31, 1980, as part of the original document, is not carried in the CFR. Copies of Form FRA F6180–49A are available by contacting the Federal Railroad Administration, Office of Standards and Procedures, 1200 New Jersey Avenue, SE., Washington, DC 20590.

[45 FR 21109, Mar. 31, 1980, as amended at 74 FR 25174, May 27, 2009]

APPENDIX B TO PART 229—SCHEDULE OF CIVIL PENALTIES¹

Section	Violation	Willful violation
Subpart A—General		
229.7 Prohibited acts: Safety deficiencies not governed by specific regulations: To be assessed on relevant facts	\$1,000–5,000	\$2,000–7,500
229.9 Movement of noncomplying locomotives	(¹)	(¹)
229.11 Locomotive identification	1,000	2,000
229.13 Control of locomotives	2,500	5,000
229.17 Accident reports	2,500	5,000
229.19 Prior Waivers	(¹)	(¹)
Subpart B—Inspection and tests		
229.21 Daily inspection:		
(a)(b):		
(1) Inspection overdue	2,000	4,000
(2) Inspection report not made, improperly executed, or not retained	1,000	2,000
(c) Inspection not performed by a qualified person	1,000	2,000
229.23 Periodic inspection General		
(a)(b):		
(1) Inspection overdue	2,500	5,000
(2) Inspection performed improperly or at a location where the underneath portion cannot be safely inspected	2,500	5,000
(c)(d):		
(1) Form missing	1,000	2,000
(2) Form not properly displayed	1,000	2,000
(3) Form improperly executed	1,000	2,000
(e) Replace Form FRA F 6180–49A by April 2	1,000	2,000
(f) Secondary record of the information reported on Form FRA F 6180.49A	1,000	2,000
229.25		
(a) through (e)(4) Tests: Every periodic inspection	2,500	5,000
(e)(5) Ineffective maintenance	8,000	16,000
229.27 Annual tests	2,500	5,000
229.29 Biennial tests	2,500	5,000
229.31:		
(a) Biennial hydrostatic tests of main reservoirs	2,500	5,000
(b) Biennial hammer tests of main reservoirs	2,500	5,000
(c) Drilled telltale holes in welded main reservoirs	2,500	5,000
(d) Biennial tests of aluminum main reservoirs	2,500	5,000
229.33 Out-of-use credit	1,000	2,000
Subpart C—Safety Requirements		
229.41 Protection against personal injury	2,500	5,000
229.43 Exhaust and battery gases	2,500	5,000