§ 221.5 Definitions.

As used in this part:

(a) **Train** means a locomotive unit or locomotive units coupled, with or without cars, involved in a railroad operation conducted on a main track. It does not include yard movements.

(b) **Commuter train** means a short haul passenger train operating on track which is part of the general railroad system of transportation, within an urban, suburban or metropolitan area. It includes a passenger train provided by an instrumentality of a State or political subdivision thereof.

(c) **Locomotive** means a self-propelled unit of equipment designed for moving other equipment in revenue service and includes a self-propelled unit designed to carry freight or passenger traffic, or both.

(d) **Main track** means a track, other than an auxiliary track, extending through yards or between stations, upon which trains are operated by timetable or train order or both, or the use of which is governed by a signal system.

(e) **Train order** means mandatory directives issued as authority for the conduct of a railroad operation outside of yard limits.

(f) **Red-orange-amber color range** means those colors defined by chromaticity coordinates, as expressed in terms of the International Commission on Illumination’s 1931 Colorimetric System, which lie within the region bounded by the spectrum locus and lines defined by the following equations:

\[ X+Y=0.97 \text{ (white boundary)} \]
\[ Y=X-0.12 \text{ (green boundary)} \]

(g) **Administrator** means the Federal Railroad Administrator, the Deputy Administrator, or any official of the Federal Railroad Administration to whom the Administrator has delegated his authority under this part.

(h) **Effective intensity** means that intensity of a light in candelas as defined by the Illuminating Engineering Society’s Guide for Calculating the Effective Intensity of Flashing Signal Lights, November, 1964.

(i) **Qualified person** means any person who has the skill to perform the task and has received adequate instruction.

§ 221.7 Civil penalty.

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 $105,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense. See appendix C to this part for a statement of agency civil penalty policy.

§ 221.9 Waivers.

(a) A railroad may petition the Federal Railroad Administrator for a waiver of compliance with any requirement prescribed in this part.

(b) Each petition for a waiver under this section must be filed in the manner and contain the information required by part 211 of this chapter.

(c) If the Administrator finds that a waiver of compliance is in the public interest and is consistent with railroad safety, he may grant the waiver subject to any condition he deems necessary. Notice of each waiver granted,