

## § 1022.3

## 49 CFR Ch. X (10–1–23 Edition)

(3) Is assessed or enforced pursuant to an administrative proceeding or a civil action in the federal courts.

(c) *Consumer Price Index* means the Consumer Price Index for all urban consumers published by the Department of Labor.

(d) *Cost-of-Living Adjustment* means the percentage (if any) by which the Consumer Price Index for the month of October preceding the adjustment exceeds the Consumer Price Index for the month of October one year before the month of October preceding date of the adjustment.

(e) *Initial Cost-of-Living Adjustment* means, for each civil monetary penalty, the percentage (if any) by which the Consumer Price Index for the month of October 2015 exceeds the Consumer Price Index of the month of October of the calendar year during which the amount of such civil monetary penalty was established or adjusted under a provision of law.

[77 FR 64432, Oct. 22, 2012, as amended at 81 FR 72543, Oct. 20, 2016]

### § 1022.3 Civil monetary penalty inflation adjustment.

The Board shall, immediately, and at least every year thereafter—

(a) By regulation adjust each civil monetary penalty provided by law within the jurisdiction of the Board by the inflation adjustment described in § 1022.4; and

(b) Publish each such adjustment in the FEDERAL REGISTER.

[77 FR 64432, Oct. 22, 2012, as amended at 81 FR 72543, Oct. 20, 2016]

### § 1022.4 Cost-of living adjustments of civil monetary penalties.

(a) The inflation adjustment under § 1022.3 will initially be determined by increasing each maximum civil monetary penalty by the initial cost-of-living adjustment. Not later than January 15 of every year thereafter, the inflation adjustment will subsequently be determined by increasing the maximum civil monetary penalty for each civil monetary penalty by the cost-of-living adjustment. Any increase determined under this section shall be rounded to the nearest dollar.

(b) The cost-of-living adjustment required by the statute results in the following adjustments to the civil monetary penalties within the jurisdiction of the Board:

TABLE 1 TO PARAGRAPH (b)

U.S. Code citation	Civil monetary penalty description	2022—Penalty amount	2023—Adjusted penalty amount
		EP 716 _7 (2022)	EP 716 _8 (2023)
Rail Carrier			
49 U.S.C. 11901(a) .....	Unless otherwise specified, maximum penalty for each knowing violation under this part, and for each day.	\$8,736	\$9,413
49 U.S.C. 11901(b) .....	For each violation under section 11124(a)(2) or (b) .....	874	942
49 U.S.C. 11901(b) .....	For each day violation continues .....	45	48
49 U.S.C. 11901(c) .....	Maximum penalty for each knowing violation under sections 10901–10906.	8,736	9,413
49 U.S.C. 11901(d) .....	For each violation under section 11123 or section 11124(a)(1).	174–\$874	187–\$942
49 U.S.C. 11901(d) .....	For each day violation continues .....	87	94
49 U.S.C. 11901(e)(1), (4).	For each violation under sections 11141–11145, for each day.	874	942
49 U.S.C. 11901(e)(2), (4).	For each violation under section 11144(b)(1), for each day	174	187
49 U.S.C. 11901(e)(3)–(4).	For each violation of reporting requirements, for each day ..	174	187
Motor and Water Carrier			
49 U.S.C. 14901(a) .....	Minimum penalty for each violation and for each day .....	1,195	1,288
49 U.S.C. 14901(a) .....	For each violation under section 13901 or section 13902(c)	11,957	12,883
49 U.S.C. 14901(a) .....	For each violation related to transportation of passengers ..	29,893	32,208
49 U.S.C. 14901(b) .....	For each violation of the hazardous waste rules under section 3001 of the Solid Waste Disposal Act.	23,915–47,829	25,767–51,534