

- (2) Inoperative.
 - (D) Vertical coupler pin retainer plate:
 - (1) Missing;
 - (2) Has missing fastener.
 - (E) Draft key or key retainer:
 - (1) Inoperative;
 - (2) Missing.
 - (F) Follower plate missing or broken.
- 215.129 Defective cushioning device unless effectively immobilized.
- (A) Broken.
 - (B) Inoperative.
 - (C) Missing parts.
- 215.203 Operating a restricted car, except under conditions approved by FRA.

Stenciling

- 215.301 Failure to stencil car number and built date on freight car as required.
- 215.303 Failure to stencil restricted car as required.
- 215.305 Failure to stencil maintenance-of-way equipment as required.

APPENDIX D TO PART 215—PRE-DEPARTURE INSPECTION PROCEDURE

At each location where a freight car is placed in a train and a person designated under § 215.11 is not on duty for the purpose of inspecting freight cars, the freight car shall, as a minimum, be inspected for the imminently hazardous conditions listed below that are likely to cause an accident or casualty before the train arrives at its destination. These conditions are readily discoverable by a train crew member in the course of a customary inspection.

1. Car body:
 - (a) Leaning or listing to side.
 - (b) Sagging downward.
 - (c) Positioned improperly on truck.
 - (d) Object dragging below.
 - (e) Object extending from side.
 - (f) Door insecurely attached.
 - (g) Broken or missing safety appliance.
 - (h) Lading leaking from a placarded hazardous material car.
2. Insecure coupling.
3. Overheated wheel or journal.
4. Broken or extensively cracked wheel.
5. Brake that fails to release.
6. Any other apparent safety hazard likely to cause an accident or casualty before the train arrives at its destination.

[45 FR 26711, Apr. 21, 1980, as amended at 73 FR 79701, Dec. 30, 2008]

PART 216—SPECIAL NOTICE AND EMERGENCY ORDER PROCEDURES: RAILROAD TRACK, LOCOMOTIVE AND EQUIPMENT

Subpart A—General

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- 216.21 Notice of track conditions.
- 216.23 Consideration of recommendation.
- 216.25 Issuance and review of emergency order.
- 216.27 Reservation of authority and discretion.

AUTHORITY: 49 U.S.C. 20102–20104, 20107, 20111, 20133, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

SOURCE: 41 FR 18657, May 6, 1976, unless otherwise noted.

Subpart A—General

§ 216.1 Application.

(a) This part applies, according to its terms, to each railroad that uses or operates—

- (1) A railroad freight car subject to part 215 of this chapter;
- (2) A locomotive subject to 49 U.S.C. chapter 207 (49 U.S.C. 20701–03); or
- (3) Railroad passenger equipment subject to part 238 of this chapter.

(b) This part applies, according to its terms, to each railroad owning track subject to part 213 of this chapter.

[41 FR 18657, May 6, 1976, as amended at 64 FR 25659, May 12, 1999]

§ 216.3 Definitions.

As used in this part—

- (a) *FRA* means the Federal Railroad Administration.