

§ 232.719

paragraph (a) of this section. The request for modification will be handled and must be submitted in accordance with the modification procedures contained in § 232.307 of this part.

(e) *Incorporation by Reference.* The Director of the Federal Register approves the incorporation by reference of the standards required in this section into this section in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may inspect a copy of the material at the Federal Railroad Administration, Docket Clerk, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: 855-368-4200). You may also inspect the material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fedreg.legal@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html. You may obtain the material from the following source(s):

(1) Association of American Railroads (AAR), 425 Third Street SW, Washington, DC 20024, telephone: (202) 639-2345, email: publications@aar.com, website: <https://aarppublications.com>.

(i) 2020 Field Manual of the AAR Interchange Rules, Rule 3—Testing of Air Brakes and Rule 4—Air Brake Valves and Parts, effective January 1, 2020.

(ii) AAR Standard S-4045, “Passenger Equipment Maintenance Requirements,” Revised 2013 (contained in AAR Manual of Standards and Recommended Practices, Brakes and Brake Equipment), also referred to as AAR Standard S-4045-13.

(2) [Reserved]

§ 232.719 End-of-train devices.

Requirements are contained in subpart E of this part.

PART 233—SIGNAL SYSTEMS REPORTING REQUIREMENTS

Sec.

233.1 Scope.

233.3 Application.

233.5 Accidents resulting from signal failure.

233.7 Signal failure reports.

233.9 [Reserved]

233.11 Civil penalties.

233.13 Criminal penalty.

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AUTHORITY: 49 U.S.C. 504, 522, 20103, 20107, 20501-20505, 21301, 21302, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

SOURCE: 49 FR 3379, Jan. 26, 1984, unless otherwise noted.

§ 233.1 Scope.

This part prescribed reporting requirements with respect to methods of train operation, block signal systems, interlockings, traffic control systems, automatic train stop, train control, and cab signal systems, or other similar appliances, methods, and systems.

§ 233.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to rail rapid transit operations conducted over track that is used exclusively for that purpose and that is not part of the general system of railroad transportation.

§ 233.5 Accidents resulting from signal failure.

Each carrier shall report within 24 hours to the Federal Railroad Administration by toll free telephone, number 800-424-0201, whenever it learns of the occurrence of an accident/incident arising from the failure of an appliance, device, method or system to function or indicate as required by part 236 of this title that results in a more favorable aspect than intended or other condition hazardous to the movement of a train.

EFFECTIVE DATE NOTE: At 49 FR 3379, Jan. 26, 1984, part 233 was revised. Section 233.5 contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 233.7 Signal failure reports.

Each carrier shall report within 15 days each failure of an appliance, device, method, or system to function or indicate as required by part 236 of this title that results in a more favorable aspect than intended or other condition hazardous to the movement of a train. Form FRA F6180-14, “Signal Failure Report,” shall be used for this

purpose and completed in accordance with instructions printed on the form.

(Approved by the Office of Management and Budget under control number 2130-0007)

§ 233.9 [Reserved]**§ 233.11 Civil penalties.**

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 \$1,086 and not more than \$35,516 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 \$142,063 per violation may be assessed. Each day a violation continues shall constitute a separate offense. See FRA's website at www.fra.dot.gov for a statement of agency civil penalty policy.

[63 FR 11623, Mar. 10, 1998, as amended at 69 FR 30595, May 28, 2004; 72 FR 51197, Sept. 6, 2007; 73 FR 79703, Dec. 30, 2008; 77 FR 24422, Apr. 24, 2012; 81 FR 43111, July 1, 2016; 82 FR 16134, Apr. 3, 2017; 83 FR 60749, Nov. 27, 2018; 84 FR 23736, May 23, 2019; 84 FR 37074, July 31, 2019; 86 FR 1759, Jan. 11, 2021; 86 FR 23255, May 3, 2021; 87 FR 15869, Mar. 21, 2022; 88 FR 1128, Jan. 6, 2023; 88 FR 89563, Dec. 28, 2023]

§ 233.13 Criminal penalty.

Whoever knowingly and willfully—

(a) Makes, causes to be made, or participates in the making of a false entry in reports required to be filed by this part; or

(b) Files a false report or other document required to be filed by this part is subject to a \$5,000 fine and 2 years im-

prisonment as prescribed by 49 U.S.C. 522 and 49 U.S.C. 21311.

[49 FR 3379, Jan. 26, 1984, as amended at 79 FR 37669, July 2, 2014]

PART 234—GRADE CROSSING SAFETY**Subpart A—General**

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- 234.3 Application and responsibility for compliance.
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Subpart B—Reports and Plans

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- 234.9 Grade crossing signal system failure reports.
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Subpart C—Response to Credible Reports of Warning System Malfunction at Highway-Rail Grade Crossings

- 234.101 Employee notification rules.
- 234.103 Timely response to report of malfunction.
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- 234.201 Location of plans.
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- 234.225 Activation of warning system.
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