

may, if it is safe to do so, travel to a clearance or repair point where it shall be placed out of service until repaired.

§ 214.531 Schedule of repairs; general.

Except as provided in §§ 214.527(c)(5), 214.529, and 214.533, an on-track roadway maintenance machine or hi-rail vehicle that does not meet all the requirements of this subpart shall be brought into compliance as soon as practicable within seven calendar days. If repairs are not made within seven calendar days, the on-track roadway maintenance machine or hi-rail vehicle shall be placed out of on-track service.

§ 214.533 Schedule of repairs subject to availability of parts.

(a) The employer shall order a part necessary to repair a non-complying condition on an on-track roadway maintenance machine or a hi-rail vehicle by the end of the next business day following the report of the defect.

(b) When the employer cannot repair a non-complying condition as required by § 214.531 because of the temporary unavailability of a necessary part, the employer shall repair the on-track roadway maintenance machine or hi-rail vehicle within seven calendar days after receiving the necessary part. The employer may continue to use the on-track roadway maintenance machine or hi-rail vehicle with a non-complying condition until receiving the necessary part(s) for repair, subject to the requirements of § 214.503. However, if a non-complying condition is not repaired within 30 days following the report of the defect, the employer shall remove the on-track roadway maintenance machine or hi-rail vehicle from on-track service until it is brought into compliance with this subpart.

(c) If the employer fails to order a part necessary to repair the reported non-complying condition, or if it fails to install an available part within the required seven calendar days, the on-

track roadway maintenance machine or hi-rail vehicle shall be removed from on-track service until brought into compliance with this subpart.

(d) Each employer shall maintain records pertaining to compliance with this section. Records may be kept on forms provided by the employer or by electronic means. The employer shall retain each record for at least one year, and the records shall be made available for inspection and copying during normal business hours by representatives of FRA and States participating under part 212 of this chapter. The records may be kept on the on-track roadway maintenance machine or hi-rail vehicle or at a location designated by the employer.

■ 4. Appendix A to part 214 is amended with the addition of the following new entries for subpart D:

Appendix A to Part 214—Schedule of Civil Penalties ¹

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	Section	Violation	Willful violation
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Subpart D—On-Track Roadway Maintenance Machines and Hi-Rail Vehicles			
214.503	Good-faith challenges; procedures for notification and resolution:		
	(a) Failure of employee to notify employer that the machine or vehicle does not comply with this subpart or has a condition inhibiting safe operation		4,000
	(b) Roadway worker required to operate machine or vehicle when good-faith challenge not resolved	5,000	10,000
	(c) Failure of employer to have or follow written procedures to resolve good-faith challenges	5,000	10,000
214.505	Required environmental control and protection systems for new on-track roadway maintenance machines with enclosed cabs:		
	(a) Failure to equip new machines with required systems	5,000	10,000
	(b) Failure of new or existing machines to protect employees from exposure to air contaminants	5,000	10,000
	(c) Failure of employer to maintain required list of machines or make list available	2,000	4,000
	(d) Removal of "designated machine" from list before retired or sold	2,000	4,000
	(e) Personal respiratory protective equipment not provided when ventilation system fails	5,000	10,000
	(f) Personal respiratory protective equipment fails to meet required standards	5,000	10,000
	(g) Other new machines with enclosed cabs not equipped with operable heating and ventilation systems ..	5,000	10,000
	(h) Non-enclosed station not equipped with covering, where feasible	5,000	10,000
214.507	Required safety equipment for new on-track roadway maintenance machines:		
	(a)(1)–(5) Failure to equip new machine or provide protection as specified in these paragraphs	5,000	10,000
	(a)(6)–(7) Failure to equip new machine with first-aid kit or operative and charged fire extinguisher	2,500	5,000
	(b) Position for operator to stand not properly equipped to provide safe and secure position	5,000	10,000
	(c) New machine not equipped with accurate speed indicator, as required.	2,500	5,000
	(d) As-built light weight not conspicuously displayed on new machine	2,500	5,000
214.509	Required visual illumination and reflective devices for new on-track roadway maintenance machines	2,500	5,000
214.511	Required audible warning devices for new on-track roadway maintenance machines	5,000	10,000
214.513	Retrofitting of existing on-track roadway maintenance machines; general:		
	(a) Failure to provide safe and secure position and protection from moving parts 2,000 4,000 inside cab for each roadway worker transported on machine	5,000	10,000
	(b) Horn or other audible warning device is missing, inoperable, or has non-compliant triggering mechanism	2,500	5,000
	(c) Illumination device or portable light missing, inoperable, improperly secured, or incapable of illuminating track as required	2,500	5,000
214.515	Overhead covers for existing on-track roadway maintenance machines:		
	(a) Failure to repair, reinstall, or maintain overhead cover as required	5,000	10,000
	(b) Failure to provide written response to operator's request within 60 days	2,000	4,000
214.517	Retrofitting of existing on-track roadway maintenance machines manufactured on or after January 1, 1991:		
	(a) Failure to equip machine with change-of-direction alarm or rearward viewing device.	5,000	10,000

¹ A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$22,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.