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Title 49 —Transportation

Subtitle B —Other Regulations Relating to Transportation

Chapter II —Federal Railroad Administration, Department of Transportation

Part 235 Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief from the Requirements of Part 236

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PART 235—INSTRUCTIONS GOVERNING APPLICATIONS FOR APPROVAL OF A DISCONTINUANCE OR MATERIAL MODIFICATION OF A SIGNAL SYSTEM OR RELIEF FROM THE REQUIREMENTS OF PART 236

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461 note; and 49 CFR 1.89.

Source: 49 FR 3380, Jan. 26, 1984, unless otherwise noted.

§ 235.1 Scope.

This part prescribes application for approval to discontinue or materially modify block signal systems, interlockings, traffic control systems, automatic train stop, train control, or cab signal systems, or other similar appliances, devices, methods, or systems, and provides for relief from part 236 of this title.

§ 235.3 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.

§ 235.5 Changes requiring filing of application.

- (a) Except as provided in § 235.7, applications shall be filed to cover the following:
 - (1) The discontinuance of a block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system or other similar appliance or device;
 - (2) The decrease of the limits of a block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system; or
 - (3) The modification of a block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system.
- (b) [Reserved]

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§ 235.6 Expedited application for approval of certain changes.

- (a) **Qualifying changes.** A railroad may seek approval under this section, instead of under §§ 235.5 and 235.9-235.20 of this chapter for the following changes:
 - (1) Modification of a signal system consisting of the installation, relocation, or removal of one or more signals, interlocked switches, derails, movable-point frogs, or electric locks in an existing system directly associated with the implementation of positive train control pursuant to subpart I of part 236 of this chapter, if the modification does not include the discontinuance or decrease of limits of a signal or train control system.
 - (2) [Reserved]
- (b) **Procedure of expedited application.**
 - (1) To seek approval under this section, a railroad shall provide a notice and profile plan for the proposed modification to the FRA Regional Administrator having jurisdiction over the affected territory.
 - (2) Simultaneously with its filing with the FRA Regional Administrator, the railroad shall serve, either by hard copy or electronically, a copy of the notice and profile plan to representatives of employees responsible for maintenance, inspection, and testing of the affected signal system under part 236 of this chapter, as well as representatives of employees responsible for operating trains or locomotives in the affected territory.
 - (3) The railroad shall include in its submission to the FRA Regional Administrator a statement affirming that the railroad has complied with the requirements of paragraph (b)(2) of this section, together with a list of the names and addresses of the persons served.

- (4) In response to receipt of a notice and profile plan under paragraph (b)(1) of this section, the Regional Administrator shall in writing deny or approve, in full or in part, and with or without conditions, the request for signal system modification. For any portion of the request that is denied, the Regional Administrator shall refer the issue to the Railroad Safety Board as an application to modify the signal system.
- (5) A railroad may rescind its application to the Regional Administrator and submit an application under §§ 235.5 and 235.9-235.20 of this chapter at any time prior to the decision of the Regional Administrator.
- (c) The resultant arrangement of any change under this section shall comply with part 236 of this chapter.

[79 FR 49715, Aug. 22, 2014]

§ 235.7 Changes not requiring filing of application.

- (a) It is not necessary to file an application for approval of the following discontinuances:
 - (1) Removal of block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system from track approved for abandonment by formal proceeding;
 - (2) Removal of devices and associated signals used to provide protection against unusual contingencies such as landslide, burned bridge, high water, high and wide load, or tunnel protection when the unusual contingency no longer exists;
 - (3) Removal of an interlocking where a drawbridge has been permanently closed by the formal approval of another government agency; or
 - (4) Removal from service not to exceed 6 months of block signal system, interlocking, or traffic control system necessitated by catastrophic occurrence such as derailment, flood, fire, or hurricane; or
 - (5) Removal of an intermittent automatic train stop system in conjunction with the implementation of a positive train control system approved by FRA under subpart I of part 236 of this chapter.
- (b) When the resultant arrangement will comply with part 236 of this title, it is not necessary to file for approval to decrease the limits of a system as follows:
 - (1) Decrease of the limits of an interlocking when interlocked switches, derails, or movable-point frogs are not involved;
 - (2) Removal of electric or mechanical lock, or signal used in lieu thereof, from hand-operated switch in automatic block signal or traffic control territory where train speed over the switch does not exceed 20 miles per hour; or
 - (3) Removal of electric or mechanical lock, or signal used in lieu thereof, from hand-operated switch in automatic block signal or traffic control territory where trains are not permitted to clear the main track at such switch.
- (c) When the resultant arrangement will comply with part 236 of this title, it is not necessary to file an application for approval of the following modifications:
 - (1) A modification that is required to comply with an order of the Federal Railroad Administration or any section of part 236 of this title;

- (2) The installation of an automatic block signal or a traffic control system to replace manual block or non-signalized territory;
- (3) The installation of a traffic control system to replace a roadway automatic block signal system (discontinuance of an automatic train stop, train control, or cab signal system is not permitted without FRA approval);
- (4) The installation of an automatic train stop, train control, or cab signal system in an existing automatic block or traffic control system;
- (5) The installation of a continuous inductive automatic train stop system to replace an existing intermittent inductive automatic train stop system;
- (6) The installation of a continuous inductive automatic train stop system to supplement an existing automatic cab signal system;
- (7) The installation of an automatic train control system to replace an existing automatic train stop system or to supplement an existing automatic cab signal system;
- (8) The installation of an interlocking to replace existing stop signs, gates, or pipe-connected derails protecting a railroad crossing at grade;
- (9) The installation of all relay type locking to replace existing mechanical or electromechanical locking of an interlocking;
- (10) The installation of an additional controlled point in existing traffic control system;
- (11) The installation of an interlocking in an existing block signal system;
- (12) The conversion of a hand-operated switch, a hand-operated switch locked either electrically or mechanically, or a spring switch to a power-operated switch;
- (13) The conversion of a spring switch to a hand-operated switch, or to a hand-operated switch locked either electrically or mechanically;
- (14) The removal or relocation of signals associated with a spring switch converted to hand operation;
- (15) The installation, relocation, or removal of signals to specifically provide adequate stopping distance;
- (16) The change of aspects;
- (17) The relocation of a signal to improve preview of signal aspect visibility;
- (18) To replace a signal with a signal of another type;
- (19) To change an approach signal to operative or inoperative signal, or remove an approach signal not required by § 236.310 of this title;
- (20) The change in location of a machine from which an interlocking or traffic control system is controlled;
- (21) The closing of a manual block station or the change in hours during which a manual block station is attended;
- (22) The change in hours during which a manual interlocking is attended provided the interlocking operates for all routes over which train movements are permitted;

- (23) The installation of devices used to provide protection against unusual contingencies such as landslide, burned bridges, high water, high and wide loads, or dragging equipment;
- (24) The installation, relocation, or removal of signals, interlocked switches, derails, movable-point frogs, or electric locks in an existing system directly associated with:
 - (i) The installation of new track;
 - (ii) The elimination of existing track other than a second main track;
 - (iii) The extension or shortening of a passing siding;
 - (iv) Elimination of second main track where signal system mn retained main track is arranged to provide both opposing and following protection for train movements provided second main track is physically removed; or
 - (v) A line relocation; or
 - (vi) The conversion of pole line circuits to electronic (coded) track circuits provided that the railroad gives notice and a profile plan of the change to the FRA regional office having jurisdiction over that territory at least 60 days in advance of the change. The railroad must also at the same time provide a copy of the notice and profile plan to representatives of employees responsible for maintenance, inspection and testing of the signal system under 49 CFR part 236. The signal system modification will be deemed acceptable, unless within 60 days, the Regional Administrator stays action by written notice to the railroad and refers the issue to the Railroad Safety Board for decision.
- (25) The temporary or permanent arrangement of existing systems necessitated by highway-rail grade crossing separation construction. Temporary arrangements shall be removed within 6 months following completion of construction.

[49 FR 3380, Jan. 26, 1984, as amended at 61 FR 33873, July 1, 1996; 75 FR 2698, Jan. 15, 2010]

§ 235.8 Relief from the requirements of part 236 of this title.

Relief from the requirements of the rules, standards and instructions contained in part 236 of this title will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier shall constitute relief to the same extent as relief granted under the requirements of this part.

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§ 235.9 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 \$1,114 and not more than \$36,439 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 \$145,754 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 79704, Dec. 30, 2008; 77 FR 24422, Apr. 24, 2012; 81 FR 43112, 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; 89 FR 106297, Dec. 30, 2024]

§ 235.10 Contents of applications.

- (a) The application may be submitted by letter and shall contain the following information:
 - (1) The corporate name of each applicant;
 - (2) The manner in which applicant is involved;
 - (3) The location of the project, giving name of operating division and nearest station;
 - (4) The track or tracks involved;
 - (5) A complete description of proposed changes as they would affect the existing facilities or of the section from which relief is sought;
 - (6) The reason for proposed changes or justification for relief from the requirements;
 - (7) The approximate dates of beginning and completion of project;
 - (8) Changes in operating practices, temporary or permanent;
 - (9) Whether safety of operation will be affected, and if so, how; and
 - (10) Whether proposed changes will conform to the Federal Railroad Administration's Rules, Standards and Instructions (part 236 of this title).
- (b) [Reserved]

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§ 235.12 Additional required information-prints.

- (a) A print or prints, size 8 inches by 10¹/₂ inches, or 8¹/₂ inches by 11 inches, or folded to 8 inches by 10¹/₂ inches or to 8¹/₂ inches by 11 inches, shall be furnished with each application.
- (b) The print or prints shall be to scale or by indicated dimensions, using Association of American Railroads graphic symbols.
- (c) The following information shall be shown on the print or prints:
 - (1) Present and proposed arrangement of tracks and signal facilities;
 - (2) Name of carrier;
 - (3) Operating division;
 - (4) Place and State; and

- (5) Timetable directions of movements.
- (d) If stopping distances are involved, the following information shall also be shown:
 - (1) Curvature and grade;
 - (2) Maximum authorized speeds of trains; and
 - (3) Length of signal control circuits for each signal indication displayed.
- (e) The following color scheme is suggested on prints:
 - (1) Installations, relocations, and added signal aspects should be colored, preferably in yellow;
 - (2) Removals, discontinuances, and abandonments should be colored, preferably in red; and
 - (3) Existing facilities not pertinent to change proposed in application should be shown uncolored.

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§ 235.13 Filing procedure.

- (a) Applications or requests for reconsideration of an application shall be submitted by an authorized officer of the carrier.
- (b) The application and correspondence in reference thereto should be addressed to the Associate Administrator for Safety, Federal Railroad Administration, Washington, DC 20590.
- (c) A separate application shall be filed for each project.
- (d) At a joint facility where changes are proposed in the automatic block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system on the tracks of more than one carrier, or if more than one carrier will be affected by the proposed changes or relief sought, a joint application signed by all carriers affected shall be filed.
- (e) Where only one carrier at a joint facility is affected by the discontinuance or modification of the installation or relief sought, it shall be responsible for filing the application. It shall also certify that the other joint carriers have been notified of the filing of its application.

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[49 FR 3380, Jan. 26, 1984, as amended at 74 FR 25174, May 27, 2009]

§ 235.14 Notice.

The FRA will publish notice of the filing of an application or a request for reconsideration of an application in the FEDERAL REGISTER and a copy of such notice will be available at the U.S. Department of Transportation, Docket Operations (M-30), West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, and on the Federal Docket Management System's Web site at <http://www.regulations.gov>.

[64 FR 70195, Dec. 16, 1999, as amended at 74 FR 25174, May 27, 2009]

§ 235.20 Protests.

- (a) A protest against the granting of an application shall set forth specifically the grounds upon which it is made, and contain a concise statement of the interest of protestant in the proceeding.
- (b) Protests shall be filed with the Associate Administrator for Safety, Federal Railroad Administration, Washington, DC 20590, and one copy shall be furnished to each applicant.
- (c) Protests should be filed within the time limit set forth in the public notice.
- (d) The protestant shall certify that service of a copy of its protest was made upon each applicant.
- (e) Request for hearing must be accompanied with a showing why the protestant is unable to properly present his or her position by written statements.

[49 FR 3380, Jan. 26, 1984, as amended at 74 FR 25174, May 27, 2009]

Effective Date Note: At 49 FR 3380, Jan. 26, 1984, part 235 was revised. Section 235.20 contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.