

§ 224.107

section and shall have the minimum amount of sheeting described in § 224.105 distributed along the length of each car side.

(b) *Locomotives*: Locomotives subject to this part shall be equipped with at least the minimum amounts of retroreflective sheeting required by § 224.105 spaced as uniformly as practicable along the length of the locomotive sides as close as practicable to 42 inches from the top of the rail.

§ 224.107 Implementation schedule.

(a) *Railroad freight cars*. All railroad freight cars subject to this part must be equipped with retroreflective sheeting conforming to this part by May 31, 2015. If a car already has reflective material applied that does not meet the standards of this part, it is not necessary to remove the material unless its placement interferes with the placement of the sheeting required by this part.

(1) *New cars*. Retroreflective sheeting conforming to this part must be applied to all cars constructed after May 31, 2005, before the cars are placed in service.

(2) *Existing cars without retroreflective sheeting*.

(i) If, as of January 3, 2005, a car subject to this part is not equipped on each side with at least one square foot of retroreflective sheeting as specified in paragraph (a)(3) of this section, retroreflective sheeting conforming to this part must be applied to the car at the earliest of the following two occasions occurring after May 31, 2005 or in accordance with paragraph (a)(2)(ii) of this section:

(A) When the car is repainted or rebuilt; or

(B) Within nine months (270 calendar days) after the car first undergoes a single car air brake test as prescribed by § 232.305 of this chapter.

(ii) A freight rolling stock owner may elect not to follow the schedule in paragraph (a)(2)(i) of this section if, not later than July 1, 2005, the freight rolling stock owner submits to FRA a completed Reflectorization Implementation Compliance Report certifying that the cars in the owner's fleet subject to this part will be equipped with retroreflective sheeting as required by

this part in accordance with the schedule specified in Table 3 of this subpart. See Appendix B of this part for Reflectorization Implementation Compliance Report form.

TABLE 3 OF SUBPART B—ALTERNATIVE SCHEDULE FOR APPLICATION OF RETROREFLECTIVE MATERIAL TO FREIGHT CARS PER § 224.107(a)(2)(ii)

(A) ¹	(B) (percent)
May 31, 2007	20
May 31, 2008	30
May 31, 2009	40
May 31, 2010	50
May 31, 2011	60
May 31, 2012	70
May 31, 2013	80
May 31, 2014	90
May 31, 2015	100

¹ Column (A) indicates the date by which the minimum percentage of an owner's freight cars specified in column (B) must be equipped with retroreflective sheeting conforming to this part.

(A) Thereafter, the designated fleet shall be equipped with retroreflective sheeting according to the schedule specified in Table 3 of this subpart;

(B) No later than July 1, 2007, the freight rolling stock owner shall submit to FRA an updated Reflectorization Implementation Compliance Report showing which cars of the fleet subject to this part were equipped with retroreflective sheeting as required by this part during the initial 24-month implementation period. Thereafter, updated Reflectorization Implementation Compliance Reports shall be submitted annually, no later than July 1 of each year, for the duration of the 10-year implementation period. See Appendix B of this part.

(C) If, following the conclusion of the initial 24-month period or any 12-month period thereafter, the percentage requirements of this section have not been met—

(1) The freight rolling stock owner shall be considered in violation of this part;

(2) The freight rolling stock owner shall, within 60 days after the close of the period, report the failure in writing to the Associate Administrator;

(3) The requirements of paragraph (a)(2)(i) of this section shall apply to all railroad freight cars subject to this part in the freight rolling stock owner's fleet; and

(4) The fleet owner shall take such additional action as may be necessary to achieve future compliance.

(D) Cars to be retired shall be included in the fleet total until they are retired.

(3) *Existing cars with retroreflective sheeting.* If as of January 3, 2005, a car is equipped on each side with at least one square foot of retroreflective sheeting, uniformly distributed over the length of each side, that car shall be considered in compliance with this part through May 31, 2015, provided the sheeting is not unqualified retroreflective sheeting, and provided the freight rolling stock owner files a completed Reflectorization Implementation Compliance Report with FRA no later than July 1, 2005, identifying the cars already so equipped. See Appendix B of this part for Reflectorization Implementation Compliance Report form.

(b) *Locomotives.* Except as provided in paragraph (b)(4) of this section, all locomotives subject to this part must be equipped with conforming retroreflective sheeting by May 31, 2010. If a locomotive already has reflective material applied that does not meet the standards of this part, it is not necessary to remove the material unless its placement interferes with the placement of the sheeting required by this part.

(1) *New locomotives.* Retroreflective sheeting conforming to this part must be applied to all locomotives constructed after May 31, 2005, before the locomotives are placed in service.

(2) *Existing locomotives without retroreflective sheeting.* (i) If as of January 3, 2005 a locomotive subject to this part is not equipped with the minimum amount of retroreflective sheeting specified in paragraph (b)(3) of this section, retroreflective sheeting conforming to this part must be applied to the locomotive not later than the first biennial inspection performed pursuant to §229.29 of this chapter occurring after May 31, 2005.

(ii) A freight rolling stock owner may elect not to follow the schedule in paragraph (b)(2)(i) of this section, if not later than July 1, 2005, the freight rolling stock owner submits to FRA a Reflectorization Implementation Compliance Report certifying that the loco-

motives in the owner's fleet subject to this part will be equipped with retroreflective sheeting as required by this part in accordance with the schedule specified in Table 4 of this subpart. See Appendix B of this part.

TABLE 4 OF SUBPART B—ALTERNATIVE SCHEDULE FOR APPLICATION OF RETROREFLECTIVE MATERIAL TO LOCOMOTIVES PER § 224.107(b)(2)(ii)

(A) ¹	(B) (percent)
May 31, 2007	40
May 31, 2008	60
May 31, 2009	80
May 31, 2010	100

¹ Column (A) indicates the date by which the minimum percentage of an owner's locomotives specified in column (B) must be equipped with retroreflective sheeting conforming to this part.

(A) Thereafter, the designated locomotive fleet shall be equipped with retroreflective sheeting according to the requirements of this paragraph (b)(2)(ii);

(B) No later than July 1, 2007, the freight rolling stock owner shall submit to FRA an updated Reflectorization Implementation Compliance Report showing which locomotives of the fleet subject to this part were equipped with retroreflective sheeting as required by this part during the initial 24 month implementation period. Thereafter, updated Reflectorization Implementation Compliance Reports shall be submitted annually, no later than July 1 of each year, for the duration of the 5-year implementation period. See Appendix B of this part.

(C) If, following the conclusion of the initial 24-month period or any 12-month period thereafter, the percentage requirements of this section have not been met—

(1) The freight rolling stock owner shall be considered in violation of this part;

(2) The freight rolling stock owner shall, within 60 days after the close of the period, report the failure in writing to the Associate Administrator;

(3) The requirements of paragraph (b)(2)(i) of this section shall apply to all locomotives subject to this part in the freight rolling stock owner's fleet; and

§ 224.109

(4) The fleet owner shall take such additional action as may be necessary to achieve future compliance.

(D) Locomotives to be retired shall be included in the fleet total until they are retired.

(3) *Existing locomotives with retroreflective sheeting.* If as of January 3, 2005, a locomotive is equipped on each side with at least one square foot of retroreflective sheeting, that locomotive shall be considered in compliance with this part through May 31, 2015, provided the existing material is not unqualified retroreflective sheeting, and provided the freight rolling stock owner files a Reflectorization Implementation Compliance Report with FRA no later than July 1, 2005, identifying the locomotives already so equipped. *See Appendix B of this part.* If, as of January 3, 2005, a locomotive is equipped with unqualified retroreflective sheeting, the locomotive will be considered in compliance with this part through May 31, 2015, provided the locomotive is equipped with a minimum of 3 square feet of retroreflective material on each side and provided the freight rolling stock owner files a Reflectorization Implementation Compliance Report with FRA no later than July 1, 2005, identifying the locomotives already so equipped. *See Appendix B of this part.*

(4) Each railroad that has fewer than 400,000 annual employee work hours, and does not share locomotive power with another railroad with 400,000 or more annual employee work hours, may bring its locomotive fleet into compliance according to the following schedule: fifty percent of the railroad's locomotives must be retrofitted pursuant to §224.106(b) within five years of the effective date of this part and one hundred percent must be retrofitted pursuant to §224.106(b) within 10 years of the effective date of this part. If a railroad with fewer than 400,000 annual employee work hours shares locomotive power with a railroad with 400,000 or more annual employee work hours, the smaller railroad must com-

49 CFR Ch. II (10–1–05 Edition)

ply with the requirements of paragraphs (b)(2) and (3) of this section.

§ 224.109 Inspection, repair, and replacement.

(a) *Railroad freight cars.* Retroreflective sheeting on railroad freight cars subject to this part must be visually inspected for presence and condition whenever a car undergoes a single car air brake test required under §232.305 of this chapter. If at the time of inspection more than 20 percent of the amount of sheeting required under §224.105 on either side of a car is damaged, obscured, or missing, the inspecting railroad or contractor shall promptly notify the car owner of the damaged, obscured, or missing sheeting. The inspecting railroad or contractor shall retain a written or electronic copy of each such notification made for at least two years from the date of the notice and shall make these records available for inspection and copying by the FRA upon request. Any car owner notified of a defect under this section shall have nine months (270 calendar days) from the date of notification to repair or replace the damaged, obscured, or missing sheeting.

(b) *Locomotives.* Retroreflective sheeting must be visually inspected for presence and condition when the locomotive receives the annual inspection required under §229.27 of this chapter. If at the time of inspection more than 20 percent of the amount of sheeting required under §224.105 on either side of a locomotive is damaged, obscured, or missing, that damaged, obscured, or missing sheeting must be repaired or replaced. If conditions at the time of inspection are such that adequate repairs cannot be made, replacement material can not be applied, or if sufficient replacement material is not available, such application may be completed at the next forward location where conditions permit, provided a record of the defect is maintained in the locomotive cab or in a secure and accessible electronic database to which FRA is provided access on request.