

§ 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-

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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.