

§ 224.111

49 CFR Ch. II (10–1–07 Edition)

must be repaired or replaced within nine months (270 calendar days) from the date of inspection, 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.

§ 224.111 **Renewal.**

Regardless of condition, retroreflective sheeting required under this part must be replaced with new sheeting no later than ten years after the date of initial installation. At the time of replacement, it is not necessary to remove the old sheeting un-

less it interferes with the placement of the new sheeting, but the old sheeting shall not be considered in calculating the amount of retroreflective material required under this part. For purposes of this section, November 28, 2005, shall be considered the initial date of installation for freight cars and locomotives covered by § 224.107(a)(3) or 224.107(b)(3).¹

APPENDIX A TO PART 224—SCHEDULE OF CIVIL PENALTIES

SUBPART B—APPLICATION, INSPECTION, AND MAINTENANCE OF RETROREFLECTIVE MATERIAL

Section	Violation	Willful violation
§ 224.103 Characteristics of retroreflective sheeting: (a)–(d) Retroreflective sheeting applied does not meet the requirements of § 224.103	\$2,500	\$5,000
§ 224.105 Sheeting dimensions and quantity: Failure to apply minimum amount of retroreflective sheeting in accordance with Table 2 ...	2,500	5,000
Applying retroreflective sheeting of wrong dimensions	2,500	5,000
§ 224.106 Location of retroreflective sheeting: (a), (b)Applying retroreflective sheeting in nonconforming pattern	2,000	4,000
§ 224.107 Implementation schedule: (a)(1), (b)(1) Failure to apply retroreflective sheeting to new freight car or locomotive before equipment placed in service	5,000	7,500
(a)(2), (b)(2), (b)(4) Failure to apply retroreflective sheeting to existing freight car or locomotive in accordance with minimum schedule of paragraphs (a)(2), (b)(2), or (b)(4)	5,000	7,500
§ 224.109 Inspection, repair, and replacement: (a) Failure to perform inspection	5,000	7,500
Failure to properly notify car owner of defect	2,500	5,000
Failure to retain written notification of defect for two years	1,500	2,500
Failure to repair defect after notification	5,000	7,500
(b) Failure to perform inspection	5,000	7,500
Failure to repair defect	5,000	7,500

APPENDIX B TO PART 224—REFLECTORIZATION IMPLEMENTATION COMPLIANCE REPORT

¹A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a

penalty of up to \$27,000 for any violation where circumstances warrant. See 49 CFR Part 209, Appendix A.

OMB No. 2130-0566

REFLECTORIZATION IMPLEMENTATION COMPLIANCE REPORT	
Instructions for completing form:	
<p>If submitting this form to FRA as an initial ReflectORIZATION Implementation Compliance Report in accordance with 49 CFR 224.107(a)(2)(ii) and/or (b)(2)(ii), complete Parts I, II, III and IV. If submitting this form in accordance with 49 CFR 224.107(a)(3) and/or (b)(3), complete Parts I, II, III, IV, and V.</p> <p>If this form is being submitted to FRA as an updated ReflectORIZATION Implementation Compliance Report required by 49 CFR 224.107(a)(2)(ii)(B) or (b)(2)(ii)(B), complete Parts I, II, III, and V. In Part V, report the car/locomotive number(s) identifying each freight car and locomotive equipped with retroreflective sheeting conforming to 49 CFR Part 224 during this reporting period</p>	
Part I: Identification	
Railroad or Car Owner:	
Railroad or Car Owner Reporting Code:	
Preparer Information:	
Name:	Title:
Address:	Phone:
	Fax:
	Email:
Part II: Type of Submission	
<input type="checkbox"/> Initial Submission <input type="checkbox"/> Updated Compliance Report	
Part III: Identification of freight rolling stock fleet subject to 49 CFR Part 224	
A. How many freight cars in your fleet are subject to 49 CFR part 224? _____	
B. How many locomotives in your fleet are subject to 49 CFR part 224? _____	
Part IV: Certification (Complete only if Part II: Type of Submission is Initial Submission)	
<p>By filing this ReflectORIZATION Implementation Compliance Report and any accompanying documents or electronic files with FRA, the undersigned Freight Rolling Stock Owner is electing to follow the alternative schedules for equipping its freight rolling stock with reflective material as set forth in 49 CFR §§224.107(a)(2)(ii) and/or (b)(2)(ii). By completing, executing, and filing this Compliance Report with FRA, the undersigned Freight Rolling Stock Owner is certifying that its entire fleet of freight rolling stock subject to 49 CFR Part 224 (Part 224) will be equipped with retroreflective sheeting conforming to the requirements of Part 224 in accordance with the schedules set forth in 49 CFR §224.107(a)(2)(ii) and/or (b)(2)(ii). Failure to meet the minimum requirements of Part 224 may result in the assessment of civil penalties or other enforcement action by FRA.</p>	
Signature of Corporate Officer/Car owner:	Date:
Name:	
Title:	

Form FRA F6180.113 11/03

Appendix C

**Guidelines for Submitting Reflectorization Implementation Compliance Reports
49 C.F.R. Part 224**

The guidelines below are intended to provide freight rolling stock owners specific guidance and directions for the submission of "Reflectorization Implementation Compliance Reports" (Form FRA F 6180.113) when required by 49 CFR Part 224. A freight rolling stock owner may also contact the FRA's Office of Safety, Motive, Power, & Equipment Division, for further guidance on the submission of such reports.

Who must file a Reflectorization Implementation Compliance Report with FRA?

- (1) A freight rolling stock owner (as defined at 49 CFR § 224.5) electing to follow the implementation schedule of 49 CFR §§ 224.107(a)(2)(ii) or (b)(2)(ii); or
- (2) A freight rolling stock owner seeking to have existing freight rolling stock grandfathered pursuant to 49 CFR §§ 224.107(a)(3) or (b)(3).

What are the deadlines for submission of Reflectorization Implementation Compliance Reports?

In order to take advantage of the flexible implementation schedules provided in 49 CFR § 224.107(a)(2)(ii) or (b)(2)(ii) or to have freight rolling stock grandfathered pursuant to 49 CFR §§ 224.107(a)(3) or (b)(3), a freight rolling stock owner must submit initial and updated Compliance Reports with the Federal Railroad Administration (FRA) as follows:

- (1) An initial Compliance Report no later than [INSERT DATE 90 DAYS AFTER PUBLICATION DATE OF FINAL RULE],
- (2) An updated Compliance Report no later than [INSERT DATE 26 MONTHS AFTER EFFECTIVE DATE OF FINAL RULE], and
- (3) An updated Compliance Report no later than December 31 of each year for the duration of the implementation period.

See 49 CFR §§ 224.107(a)(2)(ii), (a)(3), (b)(2)(ii), (b)(3).

How do I submit a Compliance Report to FRA?

A Compliance Report may be submitted electronically or by filing a paper copy of completed Form FRA F6180.113 (found in Appendix B to 49 CFR Part 224) by following the directions below. If the electronic media or paper copy does not meet the requirements of 49 CFR Part 224, the entire submission will be returned.

- (1) Paper Submission: Complete Parts I, II, III, IV and/or V of Form FRA F 6180.113 as instructed on the Form and send the completed Form to the following address:

Creative Information Technology, Incorporated (CITI)
4601 North Fairfax Drive
Suite 1100
Arlington, VA 22203
703-548-3313 Extension 223
POC: Angelica Mamani

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49 C.F.R. Part 224**

(2) Electronic Submission:

(a) Acceptable Disc Media: CD-R storage media only with 700 MB possible range, 1x-48x speed compatible, 4 ½” diameter (Note: CD-RW storage media cannot be accepted)

(b) Specific Directions:

- (i) Complete Parts I, II, III, and IV on Form F 6180.113 as instructed on the Form and scan the completed Form FRA F6180.113 onto the disk media into either an Adobe Acrobat format or .jpg format (Note: Forms submitted on CD-RW storage media cannot be accepted and will not be returned); and
- (ii) Following the format below, enter the information required by Part V of Form FRA F6180.113 into a spreadsheet in any one of the following formats: MS Excel, Quattro Pro, RTF, or CVS and save that spreadsheet onto the same CD-R disk media as (i) above.

Spreadsheet Format:

Columns on the spreadsheet	Field Name	Size of the Field	Content/Description
A	Car Owner Reporting Code	4 Character	<ol style="list-style-type: none"> 1. The Car Owner Reporting Code found in Part I (Identification) of the OMB F6180.113. 2. Enter this code in <u>Column A</u> of the spreadsheet.
B	Identification Number	6 Numbers	<ol style="list-style-type: none"> 3. Enter all Capital Letters 1. This is the identification number on Part V, (Identification of rail freight rolling stock confirming to 49 CFR Part 224). 2. This is the numeric unit identification (use leading zeros) 3. Enter this number in <u>Column B</u> of the spreadsheet.
C	Reapplied	1 Character	<ol style="list-style-type: none"> 1. Has this equipment been reported? 2. Enter 'R' (<i>replacing the check mark required on the form</i>), if the car/locomotive was reported in Part V of a previous Reflectorization Implementation Compliance Report. 3. Enter 'I', if the car/locomotive has not been reported previously. 4. Entry must be a capital letter 5. Enter this information in <u>Column C</u> of the spreadsheet.
D	Type	1 character	<ol style="list-style-type: none"> 1. Is this a car/locomotive? 2. Enter 'C' (<i>replacing the check mark required on the form</i>), if a rail freight rolling stock car. 3. Enter 'L' (<i>replacing the check mark required on the form</i>), if a locomotive. 4. Entry must be a capital letter. 5. Enter this information in <u>Column D</u> of the spreadsheet.

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49 C.F.R. Part 224**

(ii) Send the CD-R disk media with the relevant information to FRA at the following address:

Creative Information Technology, Incorporated (CITI)
 4601 North Fairfax Drive
 Suite 1100
 Arlington, VA 22203
 703-548-3313 Extension 223
 POC: Angelica Mamani