

effective safety improvement. However, local opposition to closing crossings and the associated expenses with constructing grade separations or other alternatives to the crossings, often render these methods impractical, if not impossible. Efforts have also been underway in recent years to illuminate crossings with street lamps. It is generally believed that crossing illumination reduces the likelihood of RIT accidents (by enabling motorists to recognize a train in a crossing earlier), at a lower cost than that required to install active warning systems. To date, however, limited cost information is available and no specific effectiveness or accident reduction statistics have been developed. In addition, an obvious limit to crossing illumination is the unavailability of commercial power sources at some crossings, particularly rural, passively protected crossings. Without a commercial power source, a crossing illumination system may require its own energy generating and storage device and train detection equipment, often making it a cost-prohibitive measure.

E. Discussion of Comments

The public docket in this proceeding contains approximately 55 comments from interested parties, including members of the railroad industry, trade organizations, local governments, public interest organizations, reflective material manufacturing and supply companies, as well as members of the general public. Specifically, comments were received from the following organizations: The American Trucking Association (ATA), the Texas Motor Transportation Association, Niagara Bulk Service Limited, the Port of Woodland, the Conway Scenic Railroad, the Brotherhood of Maintenance of Way Employees (BMWE), the American Automobile Association (AAA), the City of Hudsonville in Michigan, Reidler Decal Corporation, 3M, Reflexite, the American Highway Users Alliance, the Tourist Railroad Association, the Association of American Railroads (AAR), Avery Dennison, Great Lakes Transportation LLC, the Railway Progress Institute (now known as the Railway Supply Institute (RSI)), the American Short Line and Regional Railroad Association (ASLRRA), the North American Freight Car Association (NAFCA), the National Industrial Transportation League, as well as TTX. Although the majority of comments submitted were in favor of reflectorization, some members of the railroad industry raised important considerations related to the

implementation of a nationwide rail car reflectorization program.

Several individual members of the public and organizations of concerned citizens (including the Angels on the Track Foundation and Active People Against Railroad Tragedies), voiced strong support for a nationwide rail car reflectorization program. These commenters related stories of personal tragedy in which friends or loved ones were injured or killed as a result of grade crossing accidents—specifically, grade crossing collisions in which the motor-vehicle drivers apparently did not see a train in the path of their vehicles in time to react to avoid collisions. FRA has the greatest sympathy for the losses suffered by these commenters. The goal of this rulemaking is to reduce the number of RIT accidents, but rules must be based on consideration of evidence and data. Accordingly, this preamble focuses on the technical and economic aspects of rail car reflectorization. FRA, however, has not ignored the advice of those whose tragic personal experiences has led them to support this proposal addressing rail car conspicuity.

Other commenters expressing support for a nationwide freight car reflectorization program include municipalities, trade organizations such as the ATA and the Texas Motor Transportation Association, and other organizations concerned with safe and efficient highway transportation (including AAA and the American Highway Users Alliance). These commenters expressed the view that the issue of highway-rail grade crossing safety is an issue that affects not only the railroad industry, but the entire motoring public as well, including individual motorists and commercial motor carriers which traverse grade crossings on a daily basis. Specifically, the ATA expressed support for the December 1999 petition for rulemaking filed by the South Dakota Trucking Association, the Wyoming Farm Bureau Federation, the Wyoming Trucking Association, and the Mississippi Trucking Association which sought to require railcars to bear retroreflective sheeting. These commenters also pointed out the prevalence of unlighted, passively protected highway-rail grade crossings in rural communities and the particular vulnerability of these types of crossings to RIT accidents.

The BMWE, a rail labor organization, also submitted comments in support of rail car reflectorization. The BMWE cited the federal highway rule requiring reflectorization of large trucks as evidence of the benefits which could be derived from rail car reflectorization

(*e.g.*, reduced property damage and reductions in injuries and deaths associated with RIT accidents). The BMWE also expressed its agreement with FRA's conclusion that reflectorization represents a cost-effective approach to mitigating the problem of RIT accidents. Another commenter, although acknowledging some of the inherent difficulties in implementing a nationwide reflectorization program (*e.g.*, catching up with specific rail cars to apply reflective material, reflector maintenance and cleanliness issues), expressed support for rail car reflectorization and suggested that FRA adopt NHTSA's standards for reflective material on commercial vehicles.

Railroad industry participants, such as the AAR, Great Lakes Transportation LLC (which submitted comments on behalf of two class II carriers, Bessemer and Lake Erie Railroad Company and the Duluth, Missabe and Iron Range Railway Company), RSI, the ASLRRA, as well as NAFCA, raised important considerations related to implementation of a nationwide rail car reflectorization program (*e.g.*, a feasible schedule for the application of reflectors to rail cars, reflector cleaning and maintenance requirements, the treatment of rail cars already equipped with reflective material pursuant to one of the many voluntary reflectorization programs already underway throughout the industry). These commenters also expressed the opinion that a federal regulation mandating reflectorization would not be a cost-effective safety measure given the costs railroads and car owners would incur implementing such a program (*e.g.*, the costs of initially installing the material, periodically inspecting, cleaning, and maintaining the material, and the potential for increased litigation exposure).

The ASLRRA and Great Lakes Transportation LLC (which submitted comments on behalf of two class II carriers, Bessemer and Lake Erie Railroad Company and the Duluth, Missabe and Iron Range Railway Company), additionally expressed the opinion that a Federal regulation mandating rail car reflectorization would be unduly burdensome and costly on small railroads. One commenting railroad, however, recognized that adopting a high visibility, common color scheme on rail equipment could reduce accidents at highway-rail grade crossings. A representative of another small railroad, the Conway Scenic Railroad in New Hampshire, suggested that railroads should make their locomotives and cars