

§ 224.13 Preemptive effect.

Under 49 U.S.C. 20106, issuance of this part preempts any State law, rule, regulation, or order covering the same subject matter, except an additional or more stringent law, rule, regulation, or order that is necessary to eliminate or reduce an essentially local safety hazard; that is not incompatible with a law, rule, regulation, or order of the United States Government; and that does not unreasonably burden interstate commerce.

§ 224.15 Special approval procedures.

(a) *General.* The following procedures govern consideration and action upon requests for special approval of alternative standards under § 224.103(e).

(b) Petitions.

(1) Each petition for special approval of an alternative standard shall contain—

(i) The name, title, address, and telephone number of the primary person to be contacted with regard to the petition;

(ii) The alternative proposed, in detail, to be substituted for the particular requirements of this part; and

(iii) Appropriate data and analysis establishing that the alternative will provide at least an equivalent level of safety and meet the requirements of § 224.103(e).

(2) Three copies of each petition for special approval of an alternative standard shall be submitted to the Associate Administrator for Safety, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 25, Washington, DC 20590.

(c) *Notice.* FRA will publish a notice in the **Federal Register** concerning each petition under paragraph (b) of this section.

(d) *Public comment.* FRA will provide a period of not less than 30 days from the date of publication of the notice in the **Federal Register** during which any person may comment on the petition.

(1) Each comment shall set forth specifically the basis upon which it is made, and contain a concise statement of the interest of the commenter in the proceeding.

(2) Each comment shall be submitted to the DOT Central Docket Management System, Nassif Building, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590, and shall contain the assigned docket number which appears in the **Federal Register** for that proceeding. The form of such submission may be in written or electronic form consistent with the standards and requirements established by the Central Docket Management

System and posted on its Web site at <http://dms.dot.gov>.

(3) Upon written request of an interested party, or in the event FRA requires additional information to appropriately consider the petition, FRA will conduct a hearing on the petition in accordance with the procedures provided in § 211.25 of this chapter.

(e) Disposition of petitions.

(1) If FRA finds that the petition complies with the requirements of this section and that the proposed alternative standard is acceptable or changes are justified, or both, the petition will be granted, normally within 90 days of its receipt. The Associate Administrator may determine the applicability of other technical requirements of this part when rendering a decision on the petition. If the petition is neither granted nor denied within 90 days, the petition remains pending for decision. FRA may attach special conditions to the approval of the petition. Following the approval of a petition, FRA may reopen consideration of the petition for cause stated.

(2) If FRA finds that the petition does not comply with the requirements of this section, or that the proposed alternative standard is not acceptable or that the proposed changes are not justified, or both, the petition will be denied, normally within 90 days of its receipt.

(3) When FRA grants or denies a petition, or reopens consideration of a petition, written notice is sent to the petitioner and other interested parties and a copy of the notice is placed in the electronic docket of the proceeding.

Subpart B—Application, Inspection, and Maintenance of Retroreflective Material**§ 224.101 General requirements.**

All rail freight rolling stock shall be equipped with retroreflective sheeting that conforms to the requirements of this part. Notwithstanding any other provision of this chapter, the application, inspection, and maintenance of that sheeting shall be conducted in accordance with this subpart or in accordance with an alternative standard providing at least an equivalent level of safety after special approval of FRA under § 224.15.

§ 224.103 Characteristics of retroreflective sheeting.

(a) *Construction.* Retroreflective sheeting shall consist of a smooth, flat, transparent exterior film with microprismatic retroreflective elements embedded in or suspended beneath the

film so as to form a non-exposed retroreflective optical system. Retroreflective sheeting construction that entraps air between laminations shall be sealed around all edges in the final application sufficiently to prevent water from penetrating the sheeting.

(b) *Color.* Retroreflective sheeting applied under this part must be yellow as specified by the chromaticity coordinates of the American Society for Testing and Materials' (ASTM) Standard D 4956–01, "Standard Specification for Retroreflective Sheeting for Traffic Control."

(c) *Performance.* Retroreflective sheeting applied pursuant to this part shall meet the requirements of ASTM D 4956–01, except for the photometric requirements, and shall, as initially applied, meet the minimum photometric performance requirements specified in Table 1 of this section.

TABLE 1.—MINIMUM PHOTOMETRIC PERFORMANCE (COEFFICIENT OF RETROREFLECTION (R_A) IN CANDELA/LUX/METER²) REQUIREMENT FOR YELLOW RETROREFLECTIVE SHEETING.

Entrance angle	Observation angle	
	0.2°	0.5°
–4°	400	100
30°	220	45

(d) *Certification.* The characters "FRA–224", constituting the manufacturer's certification that the retroreflective sheeting conforms to the requirements of paragraphs (a) through (c) of this section, shall appear at least once on the exposed surface of each sheeting in the final application. The characters shall be a minimum of 3 mm high, and shall be permanently stamped, etched, molded, or printed within the product and each certification shall be spaced no more than four inches apart.

(e) *Alternative standards.* Upon petition by a freight rolling stock owner or railroad under § 224.15, the Associate Administrator may qualify an alternative technology as providing equivalent safety. Any such petition shall provide data and analysis sufficient to establish that the technology will result in conspicuity and durability at least equal to sheeting described in paragraphs (a) through (c) of this section applied in accordance with this part and will present a recognizable visual target that is suitably consistent with freight rolling stock equipped with retroreflective