

provided the freight rolling stock owner files a Fleet Reflectorization Implementation Plan with FRA no later than 60 days after the effective date of the final rule identifying the cars already so equipped. *See* Appendix B of this part.

(b) *Locomotives*. All locomotives subject to this part must be equipped with conforming retroreflective sheeting by five years after the effective date of the final rule. 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 new locomotives at the time of construction.

(2) *Existing locomotives without retroreflective sheeting*. If as of the date of publication of the final rule a locomotive subject to this part is not equipped on each side with at least one square foot of retroreflective sheeting as 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 49 CFR 229.29 occurring after the effective date of the final rule.

(3) *Existing locomotives with retroreflective sheeting*. If as of the date of publication of the final rule a locomotive is equipped on each side with at least one square foot of retroreflective sheeting, uniformly distributed over the length of the locomotive side, that locomotive shall be considered in compliance with this part for a period of 5 years from the effective date of the final rule, provided the existing material is not engineering grade, super engineering grade (enclosed lens), or glass bead encapsulated type sheeting, and provided the freight rolling stock owner files a Fleet Reflectorization Implementation Plan with FRA no later than 60 days after the effective date of the final rule identifying the cars 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 a 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 § 224.105(b) within five years of the effective date of this part and one hundred percent must be

retrofitted pursuant to § 224.105(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 comply with the requirements of paragraphs (b)(2) and (3) of this section.

§ 224.109 Inspection 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 49 CFR 232.305. 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, that damaged, obscured, or missing sheeting must be replaced. If conditions at the time of inspection are such that replacement material can not be applied, such application may be completed not later than the earliest of the following events: when the car next receives a required single car air brake test or when the car is taken out of service for repairs or other maintenance.

(b) *Locomotives*. Retroreflective sheeting must be visually inspected for presence and condition when the locomotive receives the annual inspection required under 49 CFR 229.27. If 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 replaced. If conditions at the time of inspection are such that replacement material can not be applied or if sufficient replacement material is not available, such application can be completed at the next forward location where conditions permit, provided a record of the restriction 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 10 years after the date of initial installation.

Appendix A to Part 224—Schedule of Civil Penalties [Reserved]

Appendix B to Part 224—Form Fleet Reflectorization Implementation Plan

This appendix contains the standard form Fleet Reflectorization Implementation Plan referenced in §§ 224.107(a)(2) and (a)(3). Freight rolling stock owners electing not to

follow the reflectorization schedule of § 224.107(a)(2)(i) and freight rolling stock owners seeking compliance with this part under § 224.107(a)(3) must file this form no later than 60 days after the effective date of the final rule.

Fleet Reflectorization Implementation Plan

Railroad or Car Owner Name

Prepared and Submitted By:

Name:

Title:

Address:

Phone:

Fax:

E-mail:

Instructions for completing form:

Report in this plan only the freight cars in your fleet subject to 49 CFR part 224 that will be reflectorized on a schedule other than that specified in 49 CFR 224.107(a)(2)(i), and those cars that are already equipped with retroreflective material meeting the requirements of 49 CFR 224.107(a)(3).

I. *Column (a)*: Insert the car number(s) identifying each freight car in fleet subject to 49 CFR part 224. A range(s) of car numbers may be inserted. Note: exclusions from range(s) may be listed in *column (b)*.

II. *Column (b)*: List the car number of each car subject to 49 CFR part 224 not included in range (a). (Such as cars sold, retired, or permanently removed from fleet as of the date of filing.)

III. *Column (c)*: Indicate the status of each car identified in column (a) as follows:

1. Enter REFL 20XX (year) if the car(s) is scheduled to be reflectorized by owner or other authorized party at a time other than that specified in 49 CFR 224.107(a)(2)(i). REFL indicates that reflective material meeting the requirements of 49 CFR part 224 will be installed on the car specified in *column (a)* at a time other than when that car is being repainted, rebuilt, or undergoing the first single car air brake test pursuant to 49 CFR 232.305 after the effective date of the final rule. 20XX indicates the year that reflective material will be applied to that car. Example: REFL 2005 indicates that the car owner will reflectorize the car specified in *column (a)* by the end of the 2005 calendar year.

2. Enter RET XXXX (year) if the car identified in column(a) is scheduled to be retired from service during the initial 10-year implementation period. RET indicates that the car will be retired, and 20XX indicates the year that the car is scheduled to be retired. Example: RET 2006 indicates that the car owner will retire the car specified in *column (a)* by the end of the 2006 calendar year.

3. Enter COM if the car identified in *column (a)* is, as of the date of publication of the final rule, already equipped with retroreflective material meeting the requirements of 49 CFR 224.107(a)(3).

4. Enter REPT XXXX (year) if the car identified in *column (a)* is to be repainted or rebuilt during the initial 10-year implementation period of 49 CFR part 224, and not to be reflectorized during the first single car air-brake test (49 CFR 232.305) after the effective date of the final rule. 20XX