

# ADA Requirements for Rail Operators

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# Key Sources of Law

- Americans with Disabilities Act (ADA)
- 49 CFR Part 27: DOT Rehabilitation Act regulations
- 49 CFR Part 37: DOT ADA regulations - general
- 49 CFR Part 38: DOT ADA regulations - vehicles
- ADA Accessibility Guidelines (ADAAG)
- DOT Disability Law Guidance

# Vehicle Design

- 49 CFR Part 38 – Specifications for transit vehicles. Rapid Rail (Subpart C), Light Rail (Subpart D), Commuter Rail (Subpart E), and Inter-City Rail (Subpart F)
- **Priority seat** – signage must indicate that seats should be made available to people with disabilities
- **Vehicle design**: doorways, interior circulation, floor surfaces, restrooms (Commuter and Inter-City), steps, thresholds, lighting, passenger communication, between-car-barriers.

# Vehicle Design

- Existing rail transit systems were required to have **at least one accessible car per train** by July 26, 1995.
- All **new railcars** must be accessible. 49 CFR 37.79
- All **used railcars** must be accessible. § 37.81
- All **remanufactured railcars** must be accessible. § 37.83

# Facility Design

- ADAAG – Americans with Disabilities Act Accessibility Guidelines for facilities
- Facilities include rail stations, transit parking, bus stops, etc.
- Incorporated for DOT by 49 CFR § 37.9, as modified under Appendix A to 49 CFR Part 37
- Published in Appendices B and D to 36 CFR Part 1191
- “New” / Updated ADAAG: Facilities built November 26, 2006 – present
- “Old” ADAAG: Facilities built 1991 - 2006

# Level Boarding

- **3" Horizontal gap, 5/8" / 1.5" Vertical gap.** 49 CFR Part 37, Appendix A (via ADAAG)
- Special Cases:
  - Transit on Shared **Freight Track** (Commuter Rail): DOT recognizes that conflict with freight makes it impossible in many circumstances to meet the above requirements. *DOT Level Boarding Guidance*
  - **Equivalent Facilitation**: the proposal must meet or exceed the level of accessibility provided by the ADAAG requirements, be developed with public participation, and be approved by the FTA Administrator. 49 CFR 37.9 (d)(2)

# DOT Level Boarding Guidance

- *Existing* non-discrimination and integration of service requirements mean that people with disabilities must have equal access to every car.
- Preferred solution: address vertical gap with **full length level platform** (no vertical gap) and **short bridgeplate** (bridge horizontal gap).
- Secondary solution: other built solutions permitting **access to every car**.
- Subject of ongoing rulemaking

# DOT ADA General Requirements

- 49 CFR Part 37 – service and general requirements for fixed route, paratransit, & other transit modes
- **Service Animals** – 49 CFR 37.3 and 37.167 (d):  
“...animals that are individually trained to perform tasks for people with disabilities...”
- **Common Wheelchairs** – 49 CFR 37.3: Aid for persons with mobility impairments, 3 or 4 wheeled device for indoor use, no larger than 30 x 48 inches (measured 2 inches above the ground, weighing no more than 600 pounds when occupied)
- Stop / Route **Announcements** 49 CFR 167(b) / (c)



# DOT ADA General Requirements

“No entity shall discriminate against an individual with a disability in connection with the provision of transportation service.” 49 CFR 37.5(a)

- Cannot prevent a person with a disability from **using** the transportation service for the general public if the individual is capable of using the system. § 37.5(b)
- Cannot require that a person with a disability use designated **seating**. § 37.5(c)
- Cannot prevent a person with a disability from **exiting** at a stop unless it would cause damage to a vehicle § 37.167
- Information** regarding transportation services must be made available in usable alternative formats § 37.167

# DOT Non-Discrimination Requirements: Reasonable Modification

Although the ADA mandates complementary paratransit service and specific requirements for fixed route service accessibility, a transit system must still **modify** its services where:

1. The Modification is **necessary** for the rider to use the service, because of the rider's disability
2. The Modification is **reasonable**
3. The Modification does not create a **direct threat** or **fundamental alteration**

49 CFR 37.21(c), 28 CFR 35.130(b)(7)

# Rail Station Design

- **Key Stations:** each rail system was required to review existing stations to identify “key stations” and make them readily accessible to and usable by individuals with disabilities.
  - Criteria for selecting key stations include: greater than average passenger boardings, transfer points, modal interchange points, terminals, nearby activity centers.
  - 49 CFR § § 37.47-53
- **Station alterations:** to the maximum extent feasible, modify altered areas be accessible to and usable by individuals with disabilities, including persons who use wheelchairs. 49 CFR § 37.43

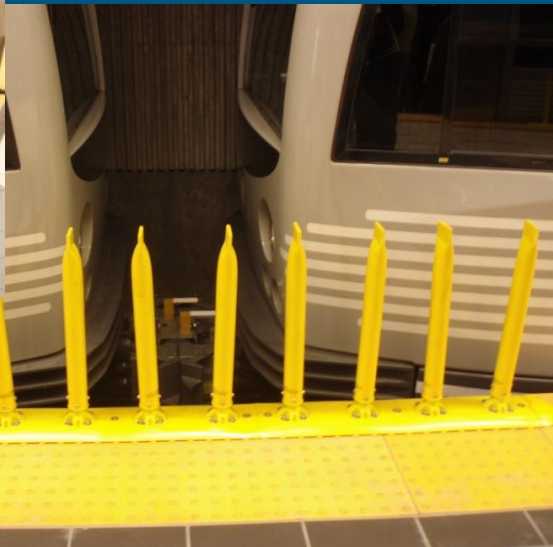
# Accessible Features – 49 CFR 37.161-63

- Covers lifts/ramps, securement devices, elevators, signage, public address systems.
- Must be maintained and **repaired** promptly.
- Must be **used**. 49 CFR 37.167

# Between-Car-Barriers

“Suitable devices or systems... to **prevent, deter or warn** individuals from inadvertently stepping off the platform between cars. Acceptable solutions include... pantograph gates, chains, motion detectors or similar devices.”

49 CFR § § 38.63, 38.85, 38.109



# Enforcing the ADA: 49 CFR 27 Subpart C

- DOT Responsibilities

- Complaints/Investigations ( § 27.123(b))

- Compliance Reviews ( § 27.123(a))

- Means of enforcing findings of non-compliance:

- DOT / FTA withhold/condition **funds**

- DOT/ FTA **referral** to U.S. Dept. of Justice (DOJ)

- Private litigation

- DOJ **intervention** in private litigation

# [www.fta.dot.gov/ada](http://www.fta.dot.gov/ada)

- Regulations
- FTA Bulletins
- DOT Disability Law Guidance
- Compliance Reviews
- Letters of Finding
- National Transit Institute** (NTI) Courses
- Research Documents (TCRP)

# Questions?

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