

DOT Regulations, Minimums, and the Expansion of What Accessibility Can Really Mean

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Disability Population

- Approximately 56.7 million people living in the U.S. had some kind of disability in 2010.
- Constitutes 18.7 percent of the 303.9 million people in the civilian non-institutionalized population that year.
- About 12.6 percent or 38.3 million people had a severe disability.
- Number of people with a disability increased by 2.2 million from 54.4 million people in 2005.



Sources of Standards

- Title II of ADA and Section 504 of Rehab Act
- DOJ and DOT Regulations
- U.S. Access Board Accessibility Guidelines (ADAAG)
- DOT Guidance
- PRIIA 305 Committee Specifications



Title II of the ADA: Responsibilities



- The **U.S. Department of Justice** has ultimate responsibility for enforcing the ADA.



- U.S. Access Board** creates guidelines that can be adopted in whole or in part by U.S. DOT in its regulations.



- U.S. DOT** is responsible for implementing transportation-related (including rail) regulations and guidance.



- FRA** is responsible for applying rail-related provisions of Title II of ADA and DOT regulations and guidance to its grantees, including Amtrak, Alaska Railroad and State and local governments.

DOT REGULATIONS

49 CFR PART 27

- Contains provisions related to Section 504 of the Rehabilitation Act, applicable to all Federal grantees. Requires services be provided in the most integrated setting reasonably achievable.

49 CFR PART 37

- Contains general provisions related to transportation facilities (including rail platforms and stations) and rail vehicles.

49 CFR Part 38

- Subpart F contains minimum design standards for intercity railcars and systems.
- Subpart H contains minimum design standards for high speed rail systems.



Station Facilities

- Station components, new or altered after November 2006, such as restrooms, ticket counters, elevators, ramps, and doors, must meet 2004 design guidelines for building accessibility set by U.S. Access Board, as adopted by DOT in 2006 (in 49 CFR Part 37).
- Stations altered or built prior to 2006 must have meet older ADAAG.



Station Platforms

- Individuals with disabilities, including individuals who use wheelchairs, must have access to all accessible cars available to passengers without disabilities.
- Access must be provided in a timely, safe, reliable, and integrated manner.
- Level-entry boarding meets integrated access requirements, and is only boarding method that also meets universal design principles.



Track Not Shared with Freight

For new or altered stations serving commuter, intercity, and higher speed rail systems, in which no track passing through the station and adjacent to platforms is shared with existing freight rail operations, the performance standard is met by providing level-entry boarding to all accessible cars in each train that serves the station. 49 CFR 37.42(b).



Track Shared With Freight

Where track passing through the station is adjacent to platform with existing freight rail operations, compliance by use of one or more of several means:

- Level-entry boarding;
- Car-borne lifts;
- Bridge plates or ramps;
- Mini-high platforms, with multiple mini-high platforms or multiple train stops; or
- Station-based lifts (which provide least integrated, least dignified, least favored by disability community access).



DOT Guidance: Publically-owned Railroads

When track shared with freight but owned and controlled by a public entity, the entity's obligation under Section 504 of the Rehab Act also is a consideration.

In this instance, the entity must use its discretion and provide level-entry boarding because this option provides most integrated access.



Platform Proposals

- When a railroad proposes to use a means other than level-entry boarding, the railroad must:
- Submit a plan to FRA and/or FTA as provided in 49 CFR 37.42(c).
- Analyses are platform-by-platform and station-by-station.
- The plan must demonstrate that service to individuals with disabilities will be provided in an integrated, safe, timely, and reliable manner.
- Amtrak has developed guidance for itself, stating that it will minimize use of station-based lifts and maximize level-entry boarding at stations that have more than 7,500 boarding and alights per year.



Passenger Railcars

- Covered in 49 CFR Part 38
- Regulation Promulgated in 1991
- Access Board has formed Rail Advisory Committee to revisit these standards



PRIIA – Section 305

- The purpose of Committee to design, develop specifications for, and procure standardized next-generation corridor equipment.
- Specifications developed for: diesel multiple unit, single level passenger rail car, bi-level passenger rail car, locomotive, and trainset.
- Some specifications go above and beyond regulations (lifts on cars, larger vestibules and wheelchair spaces in bi-level cars, working of single level modifications).



PRIIA - Section 305

Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the FRA, host freight railroad companies, passenger railroad equipment manufacturers, interested States, and, as appropriate, other passenger railroad operators.



New DOT Guidance: Reminds Us General Non-Discrimination Principles Apply Where No Specific Standards Exist

- General nondiscrimination principles found in Section 37.5(a) and Section 27.7(a) apply to railcar accessibility whether or not specific standard in regulation (49 CFR Part 38).
- This means that the impact of the design and construction of rail car features on passengers with disabilities should be accessed when designing (or remanufacturing) a railcar.
- Access Board design (ADAAG) for buildings can be used as guidance.



Railcar Operability And Safety Should Not Be Ignored

- Design features need not be followed where doing so is infeasible because of particular geometric constraints of the rail car design, rail car safety, or operational considerations unique to rail transportation.
- In situations involving concerns about infeasibility, the passenger railroad should provide its rationale for noncompliance with these standards to the FRA and/or FTA, as applicable.



Universal Design = Integrated Access

- Studies show that all people are attracted to larger, easier, more accessible user-friendly space.
- Accessibility benefits everyone, not just people using wheelchairs, including families with baby strollers, the elderly, and passengers carrying luggage.
- Level entry boarding is the safest, most operationally efficient and maintenance free option for providing access to all passengers.



Universal Access

- Well designed and connected transportation benefits everyone.
- People are encouraged to use alternative modes of transport other than the car more often when pleasant and accessible, resulting in a more sustainable, healthier, safer communities.



Universal Access

- Efforts should aim to build a “culture of accessibility” and focus on removing basic environmental barriers.
- Concept of accessibility will become ingrained and as more resources become available, it becomes easier to raise standards and attain a higher level of universal design.
- Best practice examples of accessible communities around the U.S. and the world can provide ideas that may work for your system.



Universal Access

- An accessible environment, while particularly relevant for people with disabilities, has benefits for a broader range of people.
- For example, ramps assist parents pushing baby strollers. Information in plain language helps those with less education or speakers of a second language. Announcements of each stop on public transit may aid travelers unfamiliar with the route as well as those with visual impairments.
- Moreover, the focusing on the benefits for many people can help generate widespread support for making changes.



Universal Access

- **Use your greatest resource: engage with the disability community!**
- Accessible communities can only be achieved with cooperation, sustained effort and strong commitment from the community, federal and state government agencies, local government, urban designers, planners, architects, developers, street designers and accessible communities experts.



Contact

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