Overview

- Background
- Chapter 3: Transportation Facilities
- Chapter 5: Equivalent Facilitation
- Questions
Circular Background

- Helps avoid oversight findings
- Contains no new requirements
- Covers 49 CFR 27, 37, 38, 39, and Facility Standards
- Provides one-stop shopping

Circular Organization: 12 Chapters

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Standards for Buildings and Facilities

• Established by U.S. Access Board
  – Federal agencies must adopt as minimum
• DOT adopted latest standards in 2006 + 4 additions/modifications = DOT Standards
  – Located in Appendix A to 49 CFR Part 37 and Appendices B and D to 36 CFR Part 1191
• Use the right standards!
  – Differ from Access Board’s 2004 ADAAG
  – Differ from DOJ “2010 Standards”
• Current standards are 2006 DOT Standards

Transit Agency Jurisdiction

• Public entities required to follow DOT Standards when constructing new transportation facilities or altering existing ones
  – Must operate transportation facility in a manner that is “accessible to and usable by individuals with disabilities”
• Coordination with other entities
• Shared intercity and commuter rail stations
• Bus stops
Common Issues: Station Parking

• Number of accessible spaces
  – If multiple parking facilities serve a station, **separately** calculate the requirements for each parking facility

• Location of accessible spaces
  – Shortest route

Common Issues: Station Parking

• Attachment 3-1 Optional Facilities Checklist
• Section 1 on Parking
Common Issues: Passenger Loading Zones

- DOT Standards
  - Section 503
- Clearly marked 60-inch wide access aisle
- Changes in level between access aisle and vehicle pull-up space not permitted

Attachment 3-1 Optional Facilities Checklist

Section 2 on Passenger Loading Zones
Common Issues: Curb Ramps

- DOT Standards
  Section 406
- Common deficiencies
  - Top landing too small
  - Ramp too steep
  - Counter slope too steep
  - Missing detectable warnings
- Monitoring

Attachment 3-1
Optional Facilities Checklist
Section 6 on Curb Ramps
Common Issues: Track Crossings

- DOT Standards
  Section 810.10
- Flangeway gaps > 2.5” can cause mobility devices to become caught or stopped within a track crossing
- Maintaining accessibility features in operative condition

Common Issues: Station Platforms

- Detectable warnings
- Station name signage
- Directions to accessible means of egress
Common Issues: Station Platforms

- Attachment 3-1
- Optional Facilities Checklist
- Section 15 on Platforms

New Construction

- New facilities must comply with DOT Standards
  - New stations
  - Bus boarding areas
  - Intermodal centers

- Structural impracticability
  - Limited exception
  - Requires documentation
  - Still must meet DOT Standards to “greatest extent possible”
Alteration of Transportation Facilities

• Altered elements must be accessible
  – Changes to a facility
  – Maintenance is not an alteration

• To the maximum extent feasible
  – Technical infeasibility
  – Show your work

Alteration of Transportation Facilities

• Alteration of Primary Function Area
  – Altered elements must be accessible
  – Path of travel must also be accessible
    • Unless cost is disproportionate
    • >20% of cost of alterations
Alteration of Transportation Facilities

General alteration

Maximum extent feasible (MEF)
  - Exception: technically infeasible (cost not considered)

Alteration to primary function area

Maximum extent feasible (MEF)
  - Exception: technically infeasible (cost not considered)

Must also make path of travel accessible to MEF
  - Exception: disproportionate costs (only for path of travel)

Key Stations

- Designated stations required to be made accessible
  - Deadline for existing rail systems
  - One of few “affirmative” ADA requirements
- Myth: “Only key stations need to be accessible”
Platform-Vehicle Coordination

- Level boarding:
  - Other means of compliance
    - Mini-high platforms
    - Ramps
    - Bridge plates

Programs and Activities in Existing Facilities

- Must be conducted so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities

- Examples:
  - User-friendly fare cards
  - User-friendly schedules
  - Edge detection on rail platforms
  - Adequate lighting
  - Display and broadcast devices
  - PA systems
**What Is Equivalent Facilitation?**

- Permission to depart from DOT Standards
- Allows for innovation in accessible design
  - Equal or greater accessibility
  - Not a waiver
- Requires formal determination by FTA
- Made on case-by-case basis

**Equivalent Facilitation for Facilities**

- Transportation facility
  - Public, private, or public-private ownership
- Develops equivalent facilitation request
  - Public participation
- Submits to FTA
  - Specific data
  - Public participation documentation
  - Other evidence
- Gets formal determination by FTA
  - Case-by-case
  - Basis in writing
Suggestions for Equivalent Facilitation Requests

**Do**
- Provide your actual test results
- Perform the testing with a realistic mockup and with a cross-section of potential passengers with varying types of disabilities and mobility aids
- Perform statistical analysis on a large enough sample
- Provide complete documentation of public participation
- Include all the required information

**Don’t**
- State it is difficult to comply with the regulatory standards; inability to comply is not a basis
- Rely on evidence from another system
- Combine requests for determination of equivalent facilitation for separate issues (e.g., vehicle ramp design and platform design)
- Forget to include all information needed to make the request complete