



U.S. Department
of Transportation

**Federal Transit
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

SEP 15 2015

Dear Colleague:

As many of you know, it is the U.S. Department of Transportation's (DOT) highest priority to provide safe transportation to the travelling public. It is with safety in mind that I bring an important issue to your attention regarding our nation's light rail systems. Some light rail project sponsors, operators, and vehicle manufacturers may be unaware of the requirement for between-car barriers contained in DOT's regulations implementing the transportation provisions of the Americans with Disabilities Act of 1990 (ADA). (Note: There are between-car barrier requirements for all types of rail vehicles; however, the subject of this letter and the citations below are specific to light rail vehicles and systems.) This is an important safety concern for people who are blind or who have low vision.

Under 49 C.F.R. § 38.85, where light rail vehicles operate in a high-platform, level boarding mode, devices or systems must be provided to prevent, deter, or warn individuals from inadvertently stepping off the platform in between cars. The intent of this provision, which has been a part of the DOT ADA regulations since September 6, 1991, is to require light rail systems to obtain suitable devices to assist with and prevent passengers from mistaking the gap between cars for a doorway and potentially falling onto the trackbed.

I believe the confusion regarding the between-car barrier requirement centers on the fact that there is no regulatory definition of "high-platform." But, the regulatory language links "high-platform" to "level boarding mode" and must be considered in conjunction with other key parts of the regulation¹, which clearly point to the relationship between platform height and entrance to the vehicle floor—an alignment that must occur to create a level boarding environment. Thus, the requirements in 49 C.F.R. § 38.85 are designed to deal with the safety problem resulting from the gap between cars when vehicles operate in this high-platform, level-boarding mode. Furthermore, the regulation recognizes that level boarding from high platforms (where the platform height is coordinated with the height of the vehicle floor) provides the most accessibility for the maximum number of people.

These requirements address the need to mitigate the hazard of a gap created between two or more rail cars operating in a consist. All travelers must have safe, unimpaired access to a light rail system. In a level boarding/platform environment without between-car barriers, the hazard of falling to the trackbed exists whenever a light rail system operates trains of more than one car.

¹ See 49 C.F.R. §38.71(b)(1) and §38.73(d)(1).

This represents a physical risk to the travelling public as well as a financial risk to a transit agency.² We must do all that we can to ensure the safety of passengers by providing a level of protection from falling between two cars.

Between-car barriers have been shown to be an effective method for reducing the likelihood of passengers falling between two rail cars. The regulation provides that appropriate devices include, but are not limited to, pantograph gates, chains, motion detectors, or other suitable devices. We will include more explanation and guidance regarding between-car barriers in the Federal Transit Administration's (FTA) forthcoming ADA Circular, but until that document is finalized, please note that some FTA-funded light rail systems have successfully deployed between-car barriers pictured below:



Los Angeles

St. Louis

Pittsburgh

Thank you for your cooperation. If you have any questions or require further information. Please contact John Day, Program Manager, at (202) 366-1671 or by email at john.day@dot.gov.

Sincerely yours,

A handwritten signature in blue ink that reads 'Therese W. McMillan'.

Therese W. McMillan
Acting Administrator

² See Los Angeles Times article, January 30, 2009, "Death of Visually Impaired Man," <http://latimesblogs.latimes.com/lanow/2009/01/in-wake-of-dead.html>; subsequently, a jury awarded \$17M to his family in 2011.