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DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation
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■

ELDERLY AND HANDICAPPED TRANSPORTATION SERVICES

Codification of Requirements

DEPARTMENT OF
TRANSPORTATION

Urban Mass Transportation Administration

[49 CFR Part 609]

[Docket No. 74-03, Notice 1]

ELDERLY AND HANDICAPPED
TRANSPORTATION SERVICES

Codification of Requirements

The Urban Mass Transportation Administration (UMTA) is considering issuing regulations to codify existing requirements and establish new requirements related to transportation services for the elderly and the handicapped.

Section 16(a) of the Urban Mass Transportation Act of 1964, as amended, states that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services. This section further directs that special efforts be made in the planning and design of mass transportation facilities and services to ensure the availability of transportation which can be effectively utilized by elderly and handicapped persons. Section 165(b) of the Federal-Aid Highway Act of 1973, as amended, extends the mandate of section 16 to mass transportation projects funded under the Federal-aid highway programs of title 23, United States Code.

THE ELDERLY AND HANDICAPPED PUBLIC

Dimensions. At the time of the 1970 Census there were 20,066,000 people in the United States age 65 and over, of whom 56 percent live in urbanized areas (50,000 population). The per capita income of the elderly tends to be above the level for persons under age 65, although the proportion of elderly below the poverty threshold is higher than that of the population as a whole. Approximately 7 million of the elderly, or just over one-third, are handicapped to a degree such that the use of mass transportation services is difficult or impossible. The aging are generally concentrated in older neighborhoods of cities, in special retirement developments or communities, and in regions with warm climates. Like most of the general population, the elderly make the overwhelming majority of trips by car, as either drivers or passengers. On the other hand, there are large segments of the elderly population that are either rural or urban poor, and a large number that do not have access to private transportation.

Roughly, 6,340,000 persons under the age of 65 suffered from handicaps that would cause them difficulties in using mass transit systems, taking into account non-institutionalized handicapped persons with chronic visual and hearing impairments, those using mobility aids such as walkers, wheelchairs, crutches and canes, and those with other special mobility limitations, aids and acute conditions. Together with the one-third of the elderly who also suffer from handicaps, the total estimate of the transit-dysfunctional handicapped is 13,370,000 as of the 1970 Census.

The total population that is elderly or handicapped, with no double-counting, was estimated at 26,506,000 in 1970. Of this total, approximately 14.8 million persons live in urbanized areas. Unlike the elderly, the handicapped are widely dispersed throughout the population. The latest information available indicates that the number of able-bodied elderly and the number of handicapped (elderly and non-elderly) are approximately equal. The majority of persons who are handicapped suffer from some mobility limitation short of using crutches, wheelchairs or walkers (8,800,000), have visual impairments (1,970,000), or have acute conditions (e.g., broken legs) (490,000). There are estimated to be 430,000 persons who use a wheelchair, 410,000 persons who use a walker, and 330,000 deaf persons. (Unless otherwise specified, all statistics are drawn from the U.S. Department of Transportation's 1973 study entitled "The Handicapped and Elderly Market for Urban Mass Transit.")

Travel barriers. Not all of the elderly or the handicapped experience significant mobility limitation. An affluent, able-bodied, elderly driver, for example, has transportation experiences and needs quite different from that of either a handicapped nondriver of limited financial resources or an able-bodied poor elderly person in an automobile-oriented area. To the degree to which the elderly and/or handicapped have transportation difficulties, however, they tend to cluster around these areas: (1) Cost of obtaining service; (2) availability of service; and (3) physical demands made on passengers by the design of transportation facilities and equipment. Section 5 of the Urban Mass Transportation Act of 1964, as amended, mandates a one-half fare or less at non-peak hours for the elderly and handicapped on mass transportation systems receiving UMTA operating assistance. UMTA is implementing the half-fare requirement through the grant process. See 40 FR 2537.

This proposed rule deals primarily with the service and hardware aspects of the public transportation for the elderly and the handicapped. First, this proposed rule would require local transportation planners and operating officials to identify the travel requirements of elderly and handicapped persons and to develop specific plans and programs to meet these requirements. It would further condition the approval of grants for capital assistance on the development and implementation of such plans and programs. Second, the proposed regulations would prescribe design standards for mass transportation equipment and facilities in order to diminish the impediments to their use by persons with physical impairments.

The proposed rule. Persons who had the opportunity to review and comment on the original draft proposed rule that was discussed at public meetings in November 1974 will notice several substantial changes that have been made in response to comments from elderly and handicapped groups, transit planners,

transit operators, governmental agencies and manufacturers of transit equipment.

First, every effort has been made to make it clear that the persons who are special beneficiaries of the statutes mandating service to the elderly and handicapped are members of the general public and an important potential market for transit service. Much of the terminology that the elderly and handicapped users indicated that they found offensive has been eliminated, and the regulation recast in the language of equipment features rather than characteristics of elderly or handicapped users. The requirements for special attention to their specific needs in planning and programming have been retained because the governing statutes require "special efforts" and because of the need for administrative control.

Second, a number of the requirements have been restated as performance rather than design standards, in response to user, operator and manufacturer comments indicating reservations with respect to the wisdom, safety and usefulness of some of the proposed rules and the fact that some of the features intended to confer a benefit on some handicapped users were viewed as creating a potential hazard for other handicapped users. Mandatory arm rests, for example, were deleted for this reason. The inclusion and specific design of many features has therefore been left to local option, with a requirement that the issues involved be discussed at the public hearings on the grant application.

Third, the effective dates of the requirements have been accelerated so that the main body of the requirements will be effective either 30 days after final publication of the regulations or within the next fiscal year's funding cycle. Specific effective dates for accessibility requirements in the proposed regulation denote features that are beyond the present state of the art or are now commercially unavailable and thus will require product development, tooling or retooling.

Planning. The elderly and handicapped form an important segment of the potential market for mass transportation services. Very little is known, however, about their actual mobility requirements and options, which will vary depending on their income, degree of personal independence, proximity to existing transit, access to automobiles, attitude towards public transportation and/or special services and a variety of other highly individual factors. Because of these individual factors, it may be fallacious to use perceived mobility need as a surrogate for estimates of potential transit use. The purpose of the planning requirement in this proposed regulations is to ensure that careful thought and study is given to the issue at the local level in view of the great variety among urban areas and the varying stages of development of transit service within those areas.

Subpart B requires the immediate commencement of unified planning work

program elements leading to the development of a regional plan for meeting the transportation needs of elderly and handicapped persons. UMTA grantees of planning assistance have already been instructed to be prepared to meet this requirement beginning with the 1975-76 planning cycle. Effective October 1, 1976, the five-year transportation improvement programs and plans (which are a precondition to the receipt of UMTA capital assistance) must include an element designed to analyze and meet the transportation needs of elderly and handicapped persons. The annual element of the program will be reviewed by the Urban Mass Transportation Administrator.

Capital assistance. The capital assistance application procedures of Subpart C are designed to ensure that the programs planned under Subpart B will be implemented. Prior to October 1, 1976, each capital grant application must incorporate assurances that the planning is under development and that the other requirements of this part are being met. After October 1, 1976, the capital grant application must either incorporate specific requests for funding parts of the program required by Subpart B or must indicate when such requests will be forthcoming. Since the program itself will be available to UMTA representatives through the unified work program, it will not be necessary to include it in every capital grant application. The specific design of accessibility features that are left to local option must be discussed at the public hearing on the capital grant application.

1. **Fixed facilities.** Section 609.15 requires that stations, terminals, buildings or other facilities designed, constructed or altered after the effective date of these regulations will be controlled by the minimum standards contained in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, Number A117.1-1961," the so-called ANSI standards. The definitions, waiver and exception provisions of this section are consistent with those adopted by the General Services Administration. These standards will apply not only to facilities intended for use by the public but also to other buildings in which handicapped persons may be employed as a result of the inclusion of accessibility features.

In addition to the ANSI standards, UMTA is proposing standards with respect to features that are unique to transit facilities: passenger pick-up and drop-off facilities ("kiss and ride"), fare collection systems, passenger information systems, and boarding platforms. All of these requirements are designed to be consistent with the ANSI standards, and are within the existing technical state of the art.

2. **Transit Vehicles.** The premise of this proposed regulation is that standard transit equipment designed to serve the general public ought to be made physically accessible to the maximum extent feasible to elderly and handicapped users who have a level of per-

sonal mobility and independence such that their use of public transportation, where accessibility features provided, would be a reasonable expectation. As indicated earlier in this preamble, roughly half of the population specifically benefitted by these rules consists of the essentially able-bodied elderly, who tend to suffer to some degree from the ailments statistically correlated with aging—visual impairment, hearing impairment, general physical weakness and personal insecurity. In a substantial number of the elderly, these difficulties have progressed to the point where they may pose a hindrance if not an absolute obstacle to transit use. Many of the proposed regulations are intended to provide interior design features that will make transit use easier for these users by easing the physical demands that the vehicle makes on the passenger. All transit vehicles purchased with funds from grants made after the effective date of these regulations will therefore be required to have padded interior handrails and stanchions, slip-resistant floor surfaces, priority seating arrangements, improved interior lighting, vehicle destination signs that are designed and located for maximum visibility, public address systems, barrier-free fare collection arrangements, improved door control mechanisms and an additional retractable lower step to minimize passenger difficulty in entering the vehicle. Some of this equipment is not currently available commercially. UMTA welcomes comment in particular on the appropriate effective dates for redesigned door control mechanisms, retractable lower steps and destination signs in view of the product development process that would be required. UMTA would also welcome comment on the effect of these requirements on current commuter rail technology.

The regulations differentiate between vehicle types for reasons that are partly technological, partly practical. The requirements for step-entry vehicles are made applicable to vehicles of a length in excess of 22 feet, which includes both full-sized standard transit vehicles and minibuses but not small specialized vans for which many of the requirements are inappropriate.

The regulations further differentiate between vehicles that do not require a passenger to make an unassisted level change in boarding the vehicle and those that do so require. Rapid rail facilities and other grade-separated systems such as personal rapid transit, for example, are built so that the passenger platform is at the same approximate height as the entrance to the vehicle, making it possible for a passenger to roll or walk into the car. UMTA proposes to require in § 609.17 that all such vehicles and their related facilities should be accessible to passengers in wheelchairs, that the interface between the vehicle and the platform should be as close as is technologically feasible in order to facilitate access, and that the interior of the vehicle should be designed to accommodate and secure the wheelchair. No proven wheelchair securement device is available commercially at the present time; UMTA

welcomes comment on an appropriate effective date for this requirement.

Some transit modes—e.g., buses, light rail, commuter rail—operate at grade, typically in the stream of ordinary street traffic, and require the passenger to step up into the vehicle from the street or curb. The design of these vehicles assumes that the prospective passenger can make such a change in level unassisted, and with sufficient speed and dexterity to allow for a more or less steady flow of passengers making similar movements on and off the vehicle. The current generation of bus and trolley standard transit equipment does not contemplate a mechanical device to assist passengers in changing levels. Although there are some such devices in use on equipment designed especially for service to the handicapped, there is no device presently developed and proven reliable for use in a standard forty-foot urban transit bus or light rail vehicle. The proposed regulations would therefore require the development of a new stairwell on these vehicles with an initial step height from the ground of no more than 8 inches (the current bus requires the passenger to step up 15 inches), and tread depth of at least 10 inches. We invite comment on an appropriate implementation date for this requirement, which should be of great assistance to the entire class of elderly and handicapped users as well as the able-bodied members of the general public. The interior of the vehicles will be subject to the design standards of § 609.19.

A major UMTA research and development effort to design a new generation of transit equipment may be on the verge of providing a solution to the level-changing problem on at-grade vehicles. The three Transbus prototypes, currently undergoing operational demonstrations in major urban centers, are each equipped with level-changing devices—ramps in the case of the Rohr and AM General models, a lift in the case of the GM model. Most importantly from the point of view of the great majority of elderly and handicapped users who can negotiate steps but who find the steps on the current bus uncomfortably steep, the Transbus will have a lower floor and a two-step rather than three-step entry.

The Urban Mass Transportation Administrator has recently issued a policy statement on Transbus which indicates that UMTA will develop a performance specification based on the prototypes, and that if no unforeseen problems develop the performance specification will require a low-floor bus plus a ramp or lift device to accommodate wheelchair users. UMTA is currently exploring the development of such a device for future inclusion on the new generation of light rail vehicles developed also under its R&D program. Interior design features intended to facilitate use of the equipment by elderly and handicapped passengers will of course also be required. The completion of Transbus prototype testing is currently scheduled for August 1975; the performance specification will be developed concurrently, and the first of the new buses should be in revenue

service by late 1977 or early 1978. The UMTA decision to proceed with a performance specification rather than a detailed design specification has accelerated significantly the anticipated availability of the Transbus.

In addition to this effort, UMTA has also recently announced the award of a study contract to determine the optimum specific characteristics of a small bus used in transit service. The study will focus special attention on the contribution that such vehicles can make toward meeting the needs of the elderly and handicapped persons.

Contacts with parties prior to notice. UMTA issued a notice of meeting in the November 12, 1974 FEDERAL REGISTER, inviting interested parties to review and comment on a tentative draft regulation at informal hearings held November 25, 26, and 27 at the U.S. Department of Transportation headquarters in Washington, D.C. The hearings were held in order to solicit constructive comments from elderly and handicapped persons, operators of mass transportation systems, and manufacturers of mass transit equipment prior to UMTA's formulation of the proposed rule.

Statements made at these hearings by representatives of elderly and handicapped users favored all measures that would eliminate physical barriers to mass transportation systems, particularly for the wheelchair user. The concept of a totally separate transportation system for the elderly and handicapped in lieu of accessibility features on standard equipment was opposed by these representatives because they felt that such a system would segregate the users from the rest of the public and could obviate efforts directed toward full accessibility.

Representatives of the transit operators emphasized the need for flexibility at the local level in determining the appropriate service for the elderly and handicapped public within each urbanized area. The specific suggestions of the transit operators were submitted to UMTA on December 20, 1974 by the American Public Transit Association in the form of a completely re-drafted proposed regulation.

The manufacturers who attended these preliminary hearings stressed the need for performance standards rather than design specifications to permit maximum flexibility and creativity in producing equipment modifications for elderly and handicapped persons. Most representatives were optimistic about being able to produce the necessary hardware to satisfy the transportation needs of the elderly and handicapped, assuming adequate lead-time for designing new equipment and re-tooling production lines.

The opinions and suggestions presented at the hearings and submitted to UMTA in the subsequent comment period have been carefully considered in the vision of this proposed regulation.

Public comments and regional public hearings. UMTA welcomes comments on the proposed rule, particularly written

comments that suggest specific ways in which the regulations may be improved. Interested parties are invited to participate in the making of the rule by submitting to UMTA such written data, views, or arguments as they may desire. Communications should identify the regulatory docket (No. 74-03) and be submitted to the following address: Urban Mass Transportation Administration, Office of the Chief Counsel, Docket No. 74-03, Room 9320, 400 7th Street SW., Washington, D.C. 20590. All written communications received on or before April 30, 1975, will be considered by the Urban Mass Transportation Administrator before action is taken on the proposed rule. The proposed rule contained in this notice may be changed as a result of comments received. All comments submitted will be available, both before and after the closing date for comment in the Office of the Chief Counsel for examination by interested parties.

In order to increase the opportunity for comments which can be used to evaluate and improve the proposed rule, UMTA will hold six public hearings during the public comment period. The hearings will be held on the following schedule in the indicated cities:

Monday, April 7, 1975—Los Angeles, California
 Wednesday, April 9, 1975—Denver, Colorado
 Friday, April 11, 1975—Chicago, Illinois
 Tuesday, April 15, 1975—St. Petersburg, Florida
 Thursday, April 17, 1975—Boston, Massachusetts
 Tuesday, April 22, 1975—Washington, D.C.

Exact locations will be published in the FEDERAL REGISTER no later than March 7, 1975, and also in local daily newspapers at least 30 days before the hearing and again within 10 days before the hearing. Each hearing will have a daytime session beginning at 9:30 a.m. and an evening session beginning at 7:30 p.m.

The hearings will be informal in nature and will be conducted by a senior UMTA official representing the Administrator. At each hearing an UMTA spokesman will make a brief opening statement. Since the hearings will not be of the evidentiary or judicial type, there will be no cross-examination of those persons presenting statements. However, interested persons wishing to make rebuttal statements may do so in the same order as the initial statements were made.

All interested persons are invited to attend the hearings, and each such person is invited to present oral or written statements concerning the proposed rule at one of the hearings. Persons making oral statements are strongly encouraged to submit the substance of their remarks in written form either at the hearing or by mail to the Office of the Chief Counsel, Docket No. 74-03 (see address above) in time to arrive on or before April 30, 1975.

The sequence of speakers at each hearing will be based on the order of registration. Persons who wish to ensure an opportunity to speak should register in

advance of the hearing by notifying UMTA of the date, city, session (daytime or evening), and amount of time requested. Such requests for advance registration must be made by mail to the Office of the Chief Counsel, Docket 74-03 (see address above).

If a very large number of persons request an opportunity to speak at a given hearing, UMTA reserves the right to restrict the length of time allowed for each oral statement in order to give the maximum number of persons the opportunity to be heard.

This amendment to title 49, Code of Federal Regulations, is proposed under the authority of sections 5 and 16, Urban Mass Transportation Act of 1964, as amended (49 U.S.C. §§ 1604, 1612); section 165(b), Federal-Aid Highway Act of 1973, as amended (23 U.S.C. § 142nt.); section 504, Rehabilitation Act of 1973 (29 U.S.C. § 794); and 49 CFR § 1.50. Section 315 of the Department of Transportation and Related Agencies Appropriations Bill of 1975, although not part of UHTA's permanent and substantive statutory authority, provides an additional basis for these regulations.

In consideration of the foregoing, it is proposed to amend chapter VI of title 49 of the Code of Federal Regulations by adding a new part 609 as set forth below.

Issued on February 21, 1975.

FRANK C. HERRINGER,
 Urban Mass Transportation
 Administrator.

PART 609—ELDERLY AND HANDICAPPED

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AUTHORITY: Sec. 5 and 16, Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604, 1612); sec. 165(b), Federal-Aid Highway Act of 1973, as amended (23 U.S.C. 142nt.); section 504, Rehabilitation Act of 1973 (29 U.S.C. 794); 49 CFR 1.50.

Subpart A—General

§ 609.1 Purpose.

The purpose of this part is to establish formally the requirements of the Urban Mass Transportation Administration (UMTA) on the subject of transportation services for elderly and handicapped persons.

§ 609.3 Definitions.

As used herein:

"Elderly person" means any individual age 65 or over.

"Handicapped person" means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including those who are nonambulatory wheelchair-bound and those with semiambulatory capabilities, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

"Level-entry vehicle" means any vehicle which does not require the passenger to negotiate a step or steps, or to use a level-change mechanism such as a lift or ramp, in order to board and exit.

"Step-entry vehicle" means any vehicle which requires the passenger to negotiate a step or steps, or to use a level-change mechanism such as a lift or ramp, in order to board and exit.

§ 609.5 Applicability.

(a) This part, which applies only to projects approved by the Urban Mass Transportation Administrator after the part's effective date, applies to all transit planning, capital assistance, and operating assistance projects receiving Federal financial assistance under sections 3, 5, or 9 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1604, or 1607a), and all projects receiving Federal financial assistance under (1) subsection (a) or (c) of section 142 of title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, and (3) section 147 of the Federal-Aid Highway Act of 1973, as amended. Subpart C (Requirements for Capital Assistance Projects) expressly applies to capital assistance projects receiving Federal financial assistance under any of the above statutes.

(b) Unless otherwise noted, this part is effective 30 days after publication of the final regulation in the FEDERAL REGISTER. Where a requirement in this part includes a specific effective date, such requirement applies to facilities and equipment in projects approved by the Urban Mass Transportation Administrator after such effective date.

§ 609.7 Waiver.

The requirements set forth in this part may be modified or waived on a case-by-case basis upon application to the Urban Mass Transportation Administrator if the Administrator determines that such waiver or modification is clearly necessary and is consistent with the intent of the laws cited under "Authority." Any request for waiver of any provision of these regulations must be presented for comment at the public hearing required prior to submission of a project application to UMTA.

Subpart B—Requirements for Transportation Planning**§ 609.9 Transportation planning in urbanized areas.**

(a) The requirements in this section apply to transit planning for all urbanized areas. General requirements for transportation planning in urbanized areas have been published in a joint Federal Highway Administration-UMTA notice of proposed rulemaking at 39 FR 39660.

(b) All unified work programs for planning which include funding requests for UMTA planning assistance shall include work items for the metropolitan planning organization with the participation of public transportation agencies of the region, sufficient to develop or maintain a regional plan and program for meeting the transportation needs of elderly and handicapped persons. The regional implementation plan and schedule shall provide for an annual review of unmet needs by representatives of health, welfare, comprehensive planning, and transportation agencies of the region.

(c) Transportation improvement programs and transportation plans submitted to UMTA on or after October 1, 1976, shall include an element designed to meet the transportation needs of elderly and handicapped persons. At a minimum this element of these programs and plans shall include:

(1) An identification of the elderly and handicapped persons within the urbanized area, their location in relation to regular route transit services, and the type and approximate number of trips projected to be taken on public transportation (purpose, time of day, origins and destinations);

(2) A description of the public and private resources presently devoted to meeting the transportation needs of the elderly and handicapped persons in the urbanized area;

(3) A description of the public and private transportation services currently in the urbanized area and the degree to which they contribute to meeting the transportation needs of elderly and handicapped persons; and, if all the public transportation needs of elderly and handicapped persons are not being met by those services, an explanation of the nature of and reasons for the deficiency.

(4) A range of alternative service improvements for meeting the transportation needs of elderly and handicapped persons, and the justification for selecting a specific alternative from among those available. The selected alternative may draw on more than one method of service improvement.

(d) The elderly and handicapped portion of the annual element of the transportation improvement program is subject to the approval of the Urban Mass Transportation Administrator.

§ 609.11 Transportation planning in nonurbanized areas.

Effective October 1, 1976, in nonurbanized areas planning equivalent to that required by § 609.9 must be accomplished on an appropriate scale before a capital assistance project can be approved for that area.

Subpart C—Requirements for Capital Assistance Projects**§ 609.13 Applications for capital assistance.**

(a) Before October 1, 1976, each application for capital assistance shall provide an assurance that:

(1) A definite plan and program for meeting the transportation needs of the elderly and handicapped persons is under development or completed pursuant to §§ 609.9 and 609.11.

(2) All valid alternatives for meeting the transportation needs of elderly and handicapped persons have been or will be evaluated in the development of the plan and program.

(3) The provisions in the project for elderly and handicapped persons, and the relationship of this project to the plan and program required by §§ 609.9 and 609.11, have been explained at the public hearing required during the application process. When the application involves new rolling stock, details on the features of that equipment, including stanchion and handrail configurations, fare collection equipment, and priority seating arrangements that particularly serve elderly and handicapped persons shall be presented at the public hearing. Persons desiring to comment on that explanation at the public hearing must be heard. Evidence of the applicant's response to such comments shall be included in the application.

(4) All facilities and equipment contained in the project will meet the applicable requirements of this part.

(b) After October 1, 1976, each application for capital assistance shall provide an assurance that:

(1) A definite plan and program for meeting the transportation needs of the elderly and handicapped has been developed pursuant to §§ 609.9 and 609.11.

(2) All valid alternatives have been evaluated in the development of the proposed plan and program;

(3) The application requests funding for those projects or items accorded current implementation priority under the plan and program required by §§ 609.9 and 609.11. If the application does not include all such projects or items, the application must include a justification satisfactory to the Urban Mass Transportation Administrator and a proposed schedule for submission of appropriate applications.

(4) The provisions in the project for elderly and handicapped persons, and the relationship of this project to the plan and program required by §§ 609.9 and 609.11, have been explained at the

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public hearing required during the application process. When the application involves new rolling stock, details on the features of that equipment, including stanchion and handrail configurations, fare collection equipment, and priority seating arrangements that particularly serve elderly and handicapped persons shall be presented at the public hearing. Persons desiring to comment on that explanation at the public hearing must be heard. Evidence of the applicant's response to such comments shall be included in the application.

(5) All facilities and equipment contained in the project will meet the applicable requirement of this part.

§ 609.15 Fixed facilities.

(a) Except as otherwise provided in paragraph (b) of this section, every fixed facility—including every station, terminal, building, or other facility—designed, constructed, or altered after the effective date of this part, which either will require that such fixed facility be accessible to the public or may result in the employment therein of physically handicapped persons, shall be designed, constructed, or altered in accordance with (1) the minimum standards contained in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, Number A117.1-1961," approved by the American Standards Association, Inc. (subsequently changed to American National Standards Institute, Inc.) [ANSI], and (2) the additional standards of paragraph (d) of this section.

(b) The standards established in paragraph (a) of this section do not apply to:

(1) The design, construction, or alteration of any portion of a fixed facility which need not, because of its intended use, be made accessible to, or usable by, the public or by physically handicapped persons;

(2) The alteration of an existing fixed facility if the alteration does not involve the installation of, or work on, existing stairs, doors, elevators, toilets, entrances, drinking fountains, floors, telephone locations, curbs, parking areas, or any other facilities susceptible of installation or improvements to accommodate the physically handicapped;

(3) The alteration of an existing fixed facility, or of such portions thereof, to which application of the standards is not structurally possible; and

(4) The construction or alteration of a fixed facility for which bids have already been solicited or plans and specifications have been completed or substantially completed after the effective date of this part.

(c) The final project application for any project that includes the design, construction, or alteration of a fixed facility subject to paragraph (a) of this section shall contain one of the following: (1) An assurance that the standards of paragraph (a) of this section will be adhered to in the design, construc-

tion, or alteration of such facility; (2) a request for a finding that the project is within one of the exceptions set out in paragraph (b) of this section, with appropriate supporting material; or (3) a request for waiver of the standards of paragraph (a) of this section. In any case in which a waiver or exception is requested, the grounds therefor shall be presented and discussed at the public hearing on the proposed project; any person seeking to comment thereon shall be heard and his comments responded to on the record of the public hearing.

(d) In addition to the ANSI standards of paragraph (a) of this section, the following standards apply to fixed facilities covered by that paragraph.

(1) Passenger pick-up and drop-off facilities: Stations with automobile passenger pick-up and drop-off facilities shall provide at least one stopping area identified for the use of handicapped persons. This stopping area shall have minimum dimensions of 12 feet wide and 22 feet long, and shall be located as near as possible to the station entrance(s) and exit(s) accessible to handicapped persons.

(2) Fare collection systems: The fare vending system shall be designed so as not to prevent effective utilization of the transportation system by passengers with physical impairments. Each fare control area shall include at least one entrance with a clear opening of at least 36 inches when open for the use of persons who use mobility aids.

(3) Information systems: Passenger waiting and boarding areas in major, enclosed stations shall have both public address and visual announcement systems for announcing transit information, including vehicle arrival, departure, destination, and route designation.

(4) Boarding platforms: All boarding platform edges bordering a drop-off or other dangerous condition shall be marked with a warning device consisting of a strip of floor material differing in color and texture from the remaining floor surface. The design of boarding platforms for level-entry vehicles shall be coordinated with the vehicle design in order that the difference in elevation between platform and vehicle doorway not exceed 1.5 inches and the horizontal gap between platform and vehicle doorway not exceed 2 inches.

§ 609.17 Level-entry vehicles.

(a) New level-entry vehicles shall be accessible to elderly and handicapped persons and shall conform to the standards of this section.

(b) Entrances and exits: (1) Vehicle entrances and exits shall have a clear opening of at least 36 inches. If the entire system is not fully accessible, entrances and exits to fully accessible vehicles shall be identified on the vehicle exterior as accessible to handicapped persons. Vehicle doors shall open automatically and shall be equipped with devices which prevent vehicle motion when the door is open, prevent door closure on any person or

object in the doorway, and prevent door opening when the vehicle is in motion. Warning signals shall be provided to alert elderly and handicapped passengers of closing doors.

(2) The design of level-entry vehicles shall be coordinated with the boarding platform design in order that the difference in elevation between platform and vehicle doorway not exceed 1.5 inches and the horizontal gap between platform and doorway not exceed 2 inches.

(c) Priority seating signs: Each vehicle shall contain clearly legible sign(s) which mark specific seats to be made available to elderly and handicapped persons when they are present. The proposed location of the signs and seats shall be presented at the hearing required by § 609.13(b)(4).

(d) Wheelchair securement devices and travel clearance: (1) Effective January 1, 1976, at least one wheelchair securement device shall be provided inside the vehicle, as near as possible to the entrance(s) accessible to handicapped persons. The device(s) shall be located so that the secured wheelchair does not impede the mobility of the non-handicapped passenger.

(2) Sufficient travel clearance shall be provided to enable the wheelchair user to reach the securement position with minimal movements and manipulation of the wheelchair.

(3) The securement device shall be operable by the wheelchair user and shall be attached to the vehicle structure with integrity comparable to that of seat mounting.

(4) The wheelchair securement device is not required for a level-entry vehicle which is operated on a system which has fewer than two wheelchair-accessible stations.

(e) Interior handrails and stanchions: Padded handrails and stanchions shall be sufficient to permit safe boarding, on-board circulation, seating assistance, and unboarding by passengers with physical impairments.

(f) Floor surface: All floors shall have slip-resistant surfaces.

(g) Lighting: The interior of the vehicle shall average between 15 and 30 footcandles of illumination measured at 36 inches above the floor, except that when the vehicle has an open operator's position, the level of illumination shall not exceed 8 footcandles.

(h) Public address system: Vehicles shall be equipped with a public address system audible throughout the vehicle.

(i) Destination and route signs: (1) This paragraph is effective January 1, 1976.

(2) Each vehicle or train shall have a sign on the front of the vehicle or train exterior. The sign shall include the route designation or destination or both in characters 6 inches high.

(3) Each vehicle or train shall have a sign on the boarding side of the vehicle or train exterior. This sign shall include the route designation or destination or both in characters at least 4 inches high.

§ 609.19 Step-entry vehicles.

(a) The requirements of this section apply to all new step-entry vehicles with a length of at least 22 feet.

(b) Entrances and exits: (1) Vehicles shall be equipped with device(s) which prevent vehicle motion when the door is open, prevent door closure on any person or object in the doorway, and prevent door opening when the vehicle is in motion.

(2) Effective January 1, 1976, the maximum height of each step from street level to vehicle floor level shall be uniform and no more than 8 inches; the depth of tread of each step shall be uniform and at least 10 inches. The step surfaces of retractable steps shall be designed to resist the collection of snow, slush, and dirt.

(c) Fare collection: Vehicle fare collection arrangements shall be designed so as not to prevent effective utilization of the vehicle by passengers with physical impairments.

(d) Priority seating signs: Each vehicle shall contain clearly legible sign(s) which mark specific seats to be made available to elderly and handicapped persons when they are present. The proposed location of the signs and seats shall be presented at the hearing required by § 609.13(b)(4).

(e) Interior handrails and stanchions: Padded handrails and stanchions shall be sufficient to permit safe boarding, fare collection, on-board circulation, seating assistance, and unboarding by passengers with physical impairments.

(f) Floor and step surfaces: All floors and steps shall have slip-resistant surfaces.

(g) Lighting: (1) The interior of the vehicle shall average between 15 and 30 footcandles of illumination measured at 36 inches above the floor, except in the immediate vicinity of the vehicle operator's position where the level of illumination shall not exceed 8 footcandles.

(2) Stairwells shall have between 2 and 5 footcandles of illumination measured on the step tread.

(3) The vehicle shall have light(s) which provide 2 to 5 footcandles of illumination measured on the road, sidewalk, or platform 2 feet away from the vehicle's entrance and exit in a horizontal direction.

(h) Public address system: Vehicles shall be equipped with public address systems audible inside and outside the vehicle.

(1) Destination and route signs: (1) This paragraph is effective January 1, 1976.

(2) Each vehicle shall have an illuminated sign on the front of the vehicle exterior. The sign shall include the route designation or destination or both in characters 6 inches high.

(3) Each vehicle shall have illuminated signs on the boarding side and rear of the vehicle exterior. These signs shall include the route designation or destination or both in characters at least 4 inches high.

(4) Illuminated signs shall be free of extraneous light.

Subpart D—Requirements for Formula Apportionment Projects

§ 609.21 Capital projects receiving formula assistance.

Sections 609.15 through 609.21 apply to all construction and other capital assistance projects receiving Federal financial assistance under section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604).

§ 609.23 Reduced fare.

Applicants for Federal financial assistance under section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), must, as a condition to receiving such assistance, give satisfactory assurances, in such manner and form as may be required by the Urban Mass Transportation Administrator and in accordance with such terms and conditions as the Urban Mass Transportation Administrator may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment of the project financed with assistance under this section will not exceed one-half of the rates generally applicable to other persons at peak hours, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise.

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