



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Avenue, SE
Washington, DC 20590

49 CFR §§37.42(a); 37.3

DECEMBER 14, 2011

QUESTION:

**WHAT CONSTITUTES AN ALTERATION TO A PLATFORM FOR PURPOSES OF
TRIGGERING THE APPLICATION OF SECTION 37.42 REQUIREMENTS?**

ANSWER:

- Section 37.3 defines an alteration as “a change to an existing facility including, but not limited to, remodeling, renovation, rehabilitation, reconstruction . . . changes or rearrangement in structural parts or elements . . . Normal maintenance . . . painting . . . or changes to mechanical or electrical systems are not alterations unless they affect the usability of the building or facility.”
- In the context of a railroad station platform, maintenance and repair activities, such as painting or fixing cracks, would generally not constitute an alteration. Adding accessibility features that do not affect the basic configuration of or access to the platform (e.g., adding a detectable warning strip along a platform edge, installing a public address system or visual paging system) would also not constitute an alteration.
- Changes that do affect the basic configuration of a platform or the ability of people with disabilities to have access to the platform would constitute an alteration.
- For example, if the platform height relative to the top of rail is raised, if the old surface is removed and/or a new surface put down, or if there is a reconstruction of or structural change to the platform that affects its usability (e.g., to remedy significant degrading of the facility), there would be an alteration.

The General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of 49 CFR Part 37.