



**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(b)

DECEMBER 14, 2011

QUESTION:

**WHERE THE TRACK ADJACENT TO A PLATFORM IS NOT SHARED WITH
FREIGHT, ARE THERE ANY CIRCUMSTANCES IN WHICH AN APPROACH
OTHER THAN LEVEL BOARDING IS ALLOWABLE?**

ANSWER:

- There may be some situations where level boarding is not physically feasible (e.g., where the curvature of the track is too great to make level boarding workable).
- A railroad operator facing a potential situation of this kind should consult with FRA or FTA, as appropriate.
- If FRA or FTA agrees that level boarding is not physically feasible, then the railroad would meet the performance standard of section 37.42(a) at the station through the means and process provided in section 37.42 (c) – (d).
- However, the fact that other stations on a line do not provide level boarding is not a justification for failing to meet the level boarding requirement of section 37.42(b) at any particular station at which the rule applies. The Department views compliance with the requirements of the rule on a station-by-station basis.

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.