

**PART 38—AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY SPECIFICATIONS FOR TRANSPORTATION VEHICLES**

**Subpart A—General**

Sec.

- 38.1 Purpose.
- 38.2 Equivalent facilitation.
- 38.3 Definitions.
- 38.4 Miscellaneous instructions.

**Subpart B—Buses, Vans and Systems**

- 38.21 General.
- 38.23 Mobility aid accessibility.
- 38.25 Doors, steps and thresholds.
- 38.27 Priority seating signs.
- 38.29 Interior circulation, handrails and stanchions.
- 38.31 Lighting.
- 38.33 Fare box.
- 38.35 Public information system.
- 38.37 Stop request.
- 38.39 Destination and route signs.

**Subpart C—Rapid Rail Vehicles and Systems**

- 38.51 General.
- 38.53 Doorways.
- 38.55 Priority seating signs.
- 38.57 Interior circulation, handrails and stanchions.
- 38.59 Floor surfaces.
- 38.61 Public information system.
- 38.63 Between-car barriers.

**Subpart D—Light Rail Vehicles and Systems**

- 38.71 General.
- 38.73 Doorways.
- 38.75 Priority seating signs.
- 38.77 Interior circulation, handrails and stanchions.
- 38.79 Floors, steps and thresholds.
- 38.81 Lighting.
- 38.83 Mobility aid accessibility.
- 38.85 Between-car barriers.
- 38.87 Public information system.

**Subpart E—Commuter Rail Cars and Systems**

- 38.91 General.
- 38.93 Doorways.
- 38.95 Mobility aid accessibility.
- 38.97 Interior circulation, handrails and stanchions.
- 38.99 Floors, steps and thresholds.
- 38.101 Lighting.
- 38.103 Public information system.
- 38.105 Priority seating signs.
- 38.107 Restrooms.
- 38.109 Between-car barriers.

**Subpart F—Intercity Rail Cars and Systems**

- 38.111 General.
- 38.113 Doorways.
- 38.115 Interior circulation, handrails and stanchions.
- 38.117 Floors, steps and thresholds.
- 38.119 Lighting.
- 38.121 Public information system.
- 38.123 Restrooms.
- 38.125 Mobility aid accessibility.
- 38.127 Sleeping compartments.

**Subpart G—Over-the-Road Buses and Systems**

- 38.151 General.
- 38.153 Doors, steps and thresholds.
- 38.155 Interior circulation, handrails and stanchions.
- 38.157 Lighting.
- 38.159 Mobility aid accessibility.
- 38.161 Moveable aisle armrests.

**Subpart H—Other Vehicles and Systems**

- 38.171 General.
- 38.173 Automated guideway transit vehicles and systems.
- 38.175 High-speed rail cars, monorails and systems.
- 38.177 Ferries, excursion boats and other vessels. [Reserved]
- 38.179 Trams, and similar vehicles, and systems.

FIGURES TO PART 38

APPENDIX TO PART 38—GUIDANCE MATERIAL

AUTHORITY: 42 U.S.C. 12101-12213; 49 U.S.C. 322.

SOURCE: 56 FR 45756, Sept. 6, 1991, unless otherwise noted.

**Subpart A—General**

**§ 38.1 Purpose.**

This part provides minimum guidelines and requirements for accessibility standards in part 37 of this title for transportation vehicles required to be accessible by the Americans With Disabilities Act (ADA) of 1990 (42 U.S.C. 1201 *et seq.*).

**§ 38.2 Equivalent facilitation.**

Departures from particular technical and scoping requirements of these guidelines by use of other designs and technologies are permitted where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the vehicle. Departures are to be considered on a case-by-case basis

under procedures set forth in §37.7 of this title.

### § 38.3 Definitions.

See §37.3 of this title.

### § 38.4 Miscellaneous instructions.

(a) *Dimensional conventions.* Dimensions that are not noted as minimum or maximum are absolute.

(b) *Dimensional tolerances.* All dimensions are subject to conventional engineering tolerances for material properties and field conditions, including normal anticipated wear not exceeding accepted industry-wide standards and practices.

(c) *Notes.* The text of these guidelines does not contain notes or footnotes. Additional information, explanations, and advisory materials are located in the Appendix.

(d) *General terminology.* (1) *Comply with* means meet one or more specifications of these guidelines.

(2) *If or if \* \* \* then* denotes a specification that applies only when the conditions described are present.

(3) *May* denotes an option or alternative.

(4) *Shall* denotes a mandatory specification or requirement.

(5) *Should* denotes an advisory specification or recommendation.

## Subpart B—Buses, Vans and Systems

### § 38.21 General.

(a) New, used or remanufactured buses and vans (except over-the-road buses covered by subpart G of this part), to be considered accessible by regulations in part 37 of this title shall comply with the applicable provisions of this subpart.

(b) If portions of the vehicle are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible buses be retrofitted with lifts, ramps or other boarding devices.

### § 38.23 Mobility aid accessibility.

(a) *General.* All vehicles covered by this subpart shall provide a level-

change mechanism or boarding device (e.g., lift or ramp) complying with paragraph (b) or (c) of this section and sufficient clearances to permit a wheelchair or other mobility aid user to reach a securement location. At least two securement locations and devices, complying with paragraph (d) of this section, shall be provided on vehicles in excess of 22 feet in length; at least one securement location and device, complying with paragraph (d) of this section, shall be provided on vehicles 22 feet in length or less.

(b) *Vehicle lift*—(1) *Design load.* The design load of the lift shall be at least 600 pounds. Working parts, such as cables, pulleys, and shafts, which can be expected to wear, and upon which the lift depends for support of the load, shall have a safety factor of at least six, based on the ultimate strength of the material. Nonworking parts, such as platform, frame, and attachment hardware which would not be expected to wear, shall have a safety factor of at least three, based on the ultimate strength of the material.

(2) *Controls*—(i) *Requirements.* The controls shall be interlocked with the vehicle brakes, transmission, or door, or shall provide other appropriate mechanisms or systems, to ensure that the vehicle cannot be moved when the lift is not stowed and so the lift cannot be deployed unless the interlocks or systems are engaged. The lift shall deploy to all levels (i.e., ground, curb, and intermediate positions) normally encountered in the operating environment. Where provided, each control for deploying, lowering, raising, and stowing the lift and lowering the roll-off barrier shall be of a momentary contact type requiring continuous manual pressure by the operator and shall not allow improper lift sequencing when the lift platform is occupied. The controls shall allow reversal of the lift operation sequence, such as raising or lowering a platform that is part way down, without allowing an occupied platform to fold or retract into the stowed position.

(ii) *Exception.* Where the lift is designed to deploy with its long dimension parallel to the vehicle axis and which pivots into or out of the vehicle while occupied (i.e., “rotary lift”), the