

January 20, 2009

Dennis Cannon, Office of Technical and Information Services  
Architectural and Transportation Barriers Compliance Board  
1331 "F" Street, NW - Suite 1000  
Washington, DC 20004-1111

Re: Proposed Revisions to Accessibility Guidelines for Transportation Vehicles  
Docket No. 2007-1 - RIN No. 3014-AA38  
Comments of Santa Clara Valley Transportation Authority

Dear Mr. Cannon:

On behalf of the Santa Clara Valley Transportation Authority, (VTA), the following comments are submitted regarding proposed changes to ADA accessibility guidelines for transportation vehicles. VTA has been following the proposed changes to the Access Board Guidelines for meeting ADA goals, and we appreciate the effort the Board has made to incorporate and respond to the comments generated from the release of first draft proposal in 2007.

VTA shared many of the concerns expressed by those who commented at that time. While the Board has clearly made good faith efforts to reshape the proposed guidelines to alleviate the potential problems identified with the 2007 draft, in VTA's view, two serious issues remain, and one additional issue has surfaced.

The proposed requirement for a 30" X 60" clear space for wheelchair placement, though softened with the clarification that it can be reduced to 48" after the passenger is in place, is still very difficult to achieve without losing a significant number of seats and, in VTA's experience, a more stringent requirement than is necessary.

VTA appreciates the Board's allowance for 12" of space being recovered once the wheelchair is in the secured position but, for most bus seating configurations, it won't be possible to take advantage of the new allowance. VTA has inspected its own buses and cannot see where we could have made use of this allowance for seating. If our current buses were built under the proposed requirement, we would have lost four seats, more than 10% of the passenger seating available.

VTA agrees that the present 48" space can cause difficulties when maneuvering some mobility devices that are close to the traditional 48" device size limit. However, our experience with wheelchair spaces in the 54"-55" range has shown that virtually all mobility devices easily can maneuver into them.

The discussion of the guidelines suggested an analogy between positioning a mobility device and parallel parking an automobile into a tight parking spot. However, wheelchairs generally don't have the front and rear overhangs of an automobile, and they usually have their front wheels positioned so that wheel angle cut can be maximized. As a result, the space needed for maneuvering most mobility devices is not substantially longer than the device itself.

The discussion section also leaves the impression of a possible misunderstanding of the transit environment. The phrase "During peak hours, when the number of seats is an issue, accessible buses provide more passenger capacity because they can accommodate more standees" raises this concern. While some very heavily used systems may have customers who view extra standee space as an advantage, most transit properties and most customers do not. The preferred seats closest to the Operator are now fewer in number and inward-facing (in place of forward-facing), thus requiring sitting passengers to face the standees at an uncomfortable sight level. The standees, who once tended to congregate near the rear door, now are more likely to occupy the wider space provided by the inward facing seats at the front. VTA fully endorses the goals of the ADA, but we get concerned when reading comments claiming unintended advantages that we have not experienced. What we have experienced consistently is passenger demand for plenty of seats.

VTA believes that by requiring wheelchair spaces of 30" X 54", the Board can meet the legitimate concern of mobility device users while, for most bus seating configurations, limiting the seat loss to no more than two. VTA urges the Board to consider making this change in place of the 30" X 60" draft requirement.

VTA also continues to share the concern others had previously expressed about removing the definition of the common wheelchair. The Board suggests that the common wheelchair definition could be maintained by DOT, and VTA understands that there can be serious issues trying to keep definitions coordinated over time between different agencies. Therefore, we are in agreement that items like the common wheelchair definition should be controlled by one organization. However, VTA would like concurrence from the Board that a definition is needed for the common wheelchair, and that the Board won't drop the definition unless the DOT agrees that it will maintain it. We are concerned that this important standard might be left to drop between the two agencies, with nothing to replace it.

VTA is aware of the conflicting issues surrounding the definition of a common wheelchair. Nevertheless, we believe that not having clearly defined dimensions will cause additional problems in the long term. We further believe that removing the definition doesn't resolve the bigger issue, which is that transit agencies cannot keep pace with the various sizes, types and styles produced by mobility device manufacturers.

VTA feels that a productive approach would be for the Access Board to create a working group of transit agencies and wheelchair manufacturers so that each side can understand the nature of each other's businesses, and their limitations, while addressing the needs of the riding public. Furthermore, there is a host of current and potential issues with mobility devices and their use on public transit vehicles that has not been addressed, which could be reviewed if such a group existed. Creating a working group would seem to be a better approach than removing the definition, and would be a forum to provide the Board with accurate information in the future as new issues arise.

The new proposal in the current draft involves proposed changes to the bus boarding areas, which we could not find included in the 2007 draft. An illustration may have been helpful in this area but, as VTA understands the proposed change, in Section 810.2.2, the Board will be requiring that the boarding area be 9' in depth from the curb. This change would cause serious interference with VTA's ongoing efforts to improve bus stop areas in order to increase accessibility by the disabled.

VTA's original bus stops from the 1970's were designed to be 7' in depth from the curb and 30' in length along the curb. This gave the Operator leeway while pulling in and provided space for passengers to use both the front and rear bus doors. With greater awareness of the needs of the disabled, and some buses equipped with rear door ramps, VTA moved to an 8' x 40' area for new bus stops. We tried when possible to increase the depth and length of the older stops.

However, there have been times when we have been prevented from making any bus stop improvements by the Board's 1990 requirement for meeting the 8' standard whenever a bus stop is altered. This situation occurs when, due to lack of right-of-way, there is property not under our jurisdiction that is within 8' of the curb.

Our knowledge of city property practices and our extensive experience both suggest that, instead of an occasional hindrance to improvements, a 9' space would create frequent right-of-way issues. We would often be effectively blocked from making any significant improvements for our disabled passengers at individual bus stops. It would also become a factor limiting our choices of location for new stops. The most ideal location, for both disabled and non-disabled passengers, could often be where we had less than 9' of space.

VTA believes this right-of-way issue would be a very common concern in many urban areas and would, regretfully, result in fewer accessibility improvements. It is also important to note that in our years of experience, we've had no accessibility issues that were due to the 8' limit.

VTA could not find a rationale for the proposed changes, so is perplexed by the other proposal in Sect.810.2 to reduce the required wheelchair area along the street from 60" to 48". Due to variations in traffic patterns, it is a challenge to line up the 32"-wide accessible door within 60". Reducing the mandated space to 48" would make it much more difficult. VTA would not make this change in our service area, even if it becomes permitted.

Presumably, the Board is trying to make allowance for crowded bus stops where wheelchair room is limited by such things as shelter size, newspaper racks and waste receptacles. We are concerned that the effect will be to make accessibility more difficult for disabled passengers by allowing transit properties to crowd more features into their bus stops.

A quick example may illustrate the problem. Allowed by the rule change, a transit district adds a new large electronic bus arrival time sign, just past an existing shelter, leaving 48" between the shelter wall and the new sign. A bus pulling in misses the 48" space, leaving the lift-equipped bus door partially blocked by the new sign. Due to pedestrian traffic around buses, most transit agencies will not allow an Operator to place a bus in reverse while in service without someone securing the area behind the bus. Therefore, in order to get access to the lift in this example, the bus has to wait until a road supervisor arrives to assure no pedestrian is endangered when the bus backs up. The wait would typically be between 10-20 minutes, and longer during peak traffic times. For the above reasons, VTA urges the Board to retain the current 60" by 96" requirement.

VTA appreciates the opportunity to respond to the proposed changes and will be happy to further discuss any of these comments.

Very truly yours,

Michael A. Hursh,  
Deputy Director-Operations  
Bus and Rail