



**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)

DECEMBER 14, 2011

QUESTION:

WHEN DO THE REQUIREMENTS OF SECTION 37.42 BEGIN TO APPLY?

ANSWER:

- The performance standard and other requirements of section 37.42(a) apply to stations that are approved for entry into final design or that begin construction or alteration of platforms on or after February 1, 2012.
- “Approval for entry into final design” is a concept used in FTA-assisted “New Starts” projects. FTA anticipates that there will be no commuter rail New Starts projects being approved for entry into final design before February 1, 2012.
- On an intercity or commuter railroad project (whether or not Federally-funded), where actual construction activities have physically begun (“shovel in the ground”) on or after February 1, 2012, the performance standard and other requirements of section 37.42 apply, except as noted below.
- If a construction contract for a project, including a commitment to a specific design (e.g., a blueprint or its equivalent) for a specific platform, has been signed before February 1, 2012, but physical construction activities begin a reasonable time after that date (e.g., early in the 2012 construction season in a given location), then the Department interprets the requirements of section 37.42 as not applying.

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.