



**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(d)(2)

DECEMBER 14, 2011

**QUESTION: MUST RAILROADS SUBMIT PLANS FOR MEETING THE
PERFORMANCE STANDARD OF SECTION 37.42 ON A STATION-BY-STATION
BASIS?**

ANSWER:

- Yes. Plans for meeting the performance standard at new or altered stations where track adjacent to the platform is shared with freight traffic must be submitted on a station-by-station basis.
- That is, there must be a separate plan for each such station. It is not sufficient to have a generic plan for a line or a system.
- While there may well be common features of a railroad's plans for various stations in its system, there are also likely to be differences among stations. The design and layout of stations, the number of trains that stop at the station, the passenger volume at the station, whether there are other railroads that use the station, and other factors are likely to vary from station to station. Station plans need to take these variables into account at each station.
- In reviewing station plans, FRA and FTA intend to give particular scrutiny to larger, more complex, stations and those with higher passenger volumes to ensure that the railroad's plan will fully meet the performance standard in practice.

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.