



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Under Secretary for Policy

1200 New Jersey Avenue, S.E.
Washington, DC 20590

January 31, 2008

Mr. David H. Coburn
Steptoe & Johnson
1330 Connecticut Avenue, NW
Washington, DC 20036-1795

Dear Mr. Coburn:

Thank you for your letter of January 3, 2008, following up on your presentation to me on December 18, 2007. In your presentation and letter, you explained the concerns of Amtrak and other railroads about a proposed Department of Transportation rule affecting new passenger rail station platforms and the Department's interpretation of its current rules on this subject.

The concerns you raise go to the substance of the Department's proposed rule. Consequently, we have placed a memorandum summarizing the December 18 meeting, including a copy of the Power Point presentation you made, and a copy of your January 3 letter in the docket for the rulemaking. The Department will consider very seriously the points you and other commenters have made as we work toward a final rule.

I want to assure you that the Department is committed to implementing good guidance practices. The Department does not view guidance, including the September 2005 guidance document concerning rail station platform accessibility, as creating independent, legally binding requirements. Rather, such guidance is informational in nature, explaining to interested parties and the public how the Department interprets its existing statutory and regulatory authorities. As we address individual issues that arise under current rules, we will do so on the basis of our understanding and interpretation how the current rules apply in each situation.

Making sure that individuals with disabilities have equal access to facilities and services in the most integrated setting reasonably achievable is an important objective of laws and policies requiring nondiscrimination on the basis of disability. The Department looks forward to working with Amtrak and other railroads as we continue to implement this objective.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey N. Shane".

Jeffrey N. Shane