

2.6 Service Animals

Requirement

“The entity shall permit service animals to accompany individuals with disabilities in vehicles and facilities” ([§ 37.167\(d\)](#)).

Discussion

Per [§ 37.3](#), a service animal is:

[A]ny guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

The Department of Justice (DOJ) narrowed the definition of a service animal in amendments to its ADA regulations in 2010,⁶ but the DOT ADA regulations were unaffected. Accordingly, public transit providers must follow the DOT definition in § 37.3 when assessing whether to accommodate a particular animal. While most service animals are dogs, DOT’s definition recognizes the possibility of other animals.

Service animals are animals that are “individually trained to work or perform tasks.” This training can be by an organization or by an individual, including the individual with a disability. Transit agencies are not required to transport animals that have not been individually trained to perform specific work or tasks. If an animal’s only function were to provide emotional support or comfort for the rider, for example, that animal would not fall under the regulatory training-based definition of a service animal. Simply providing comfort is something that an animal does passively, by its nature or through the perception of the owner. However, the ADA regulations do not prohibit a transit agency from choosing to accommodate pets and comfort animals, which would be a local decision. (See FTA response to [Complaint 15-0117](#) for an example of how FTA has addressed the issue of defining what constitutes a service animal.)

It is important that local policies and practices recognize that some persons with hidden disabilities do use animals that meet the regulatory definition of a service animal. This would include, for example, animals that are trained to alert individuals with seizure disorders to an oncoming seizure or respond to a seizure and animals that are trained to remind persons with depression to take their medication.

Transit agencies cannot have a policy requiring riders to provide documentation for their service animal before boarding a bus or train or entering a facility, but personnel may ask riders two questions: (1) is the animal a service animal required because of a disability? and (2) what work or task has the animal been trained to perform?

The following guidance also applies to service animals:

- Transit agencies may refuse to transport service animals that are deemed to pose a direct threat to the health or safety of drivers or other riders, create a seriously disruptive atmosphere, or are otherwise not under the rider’s control. For example, a rider with a service dog is responsible for ensuring the dog does not bite the driver or other riders. Conversely, a dog that barks occasionally would likely not be considered out of the owner’s control.

⁶ See DOJ’s [“Frequently Asked Questions about Service Animals and the ADA”](#) (July 20, 2015) for additional guidance on service animals. Transit providers are reminded, however, that the definition of a service animal in this FAQ does not apply to their services and some of the guidance is not applicable to the transit environment.

- A passenger’s request that the driver take charge of a service animal may be denied. Caring for a service animal is the responsibility of the passenger or a PCA. (See [Appendix E](#) to Part 37, Example 15.)
- Section 37.167(d) does not prescribe limits on the number of service animals that accompany riders on a single trip. Different service animals may provide different services to a rider during trips or at the rider’s destination.
- On complementary paratransit or other demand responsive services, transit agencies may ask riders for notification of their intent to ride with a service animal in order to help ensure adequate space is available for the animal. (An optional good practice is to keep such information in riders’ files.)
- Other riders’ or agency personnel’s allergies to dogs or other animals would not be grounds for denying service to a person accompanied by a service animal. The regulations explicitly state that service animals must be allowed to accompany individuals on vehicles and in facilities. Encountering a service animal in the transit or other environment is an expected part of being in public.

2.7 Oxygen Supplies

Requirement

“The entity shall not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply, consistent with applicable Department of Transportation rules on the transportation of hazardous materials (49 CFR Subtitle B, chapter 1, subchapter C)” ([§ 37.167\(h\)](#)).

Discussion

As discussed in [Appendix D](#) to § 37.167, under the DOT hazardous materials rules, a passenger may bring a portable medical oxygen supply on board a vehicle. Specific requirements pertaining to compressed oxygen cylinders can be found in [49 CFR § 177.870\(e\)](#). However, the commonly used portable oxygen concentrators are not considered hazardous materials and do not require the same level of special handling as compressed oxygen cylinders. Transit agencies, therefore, cannot require riders to secure such concentrators in a particular space on the vehicle (e.g., behind forward-facing seats), and § 37.167(h) requires that agencies allow riders to use the concentrators as needed while aboard the vehicle. (See FTA response to [Complaint 09-0057](#) for an example of how FTA addressed a complainant’s objection to restrictions on transporting her oxygen supply.)

Questions concerning the transportation of compressed oxygen cylinders should be directed to the [Pipeline and Hazardous Materials Safety Administration](#).

2.8 Accessible Information

Requirement

“The entity shall make available to individuals with disabilities adequate information concerning transportation services. This obligation includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service” ([§ 37.167\(f\)](#)).