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No Change to U.S. DOT ADA Regulations for Service Animals and Mobility Devices

The Federal Transportation Administration has released a [technical assistance note](#) regarding service animals. The note states that “the U.S. Department of Transportation has issued no changes to its ADA regulations, which cover transportation provided by both the private and public sector...Any amendments to the DOT ADA regulations would be announced in the customary manner—through publication of rulemaking documents in the Federal Register, with an effective date. Unless and until such documents are published, the DOT regulations remain unchanged.”

Technical Assistance Note

No Change to US DOT ADA Regulations for Service Animals and Mobility Devices

FTA has become aware of various inquiries from transit operators and members of the public concerning “new ADA regulations” that went into effect on March 15. Of particular interest have been various provisions relating to service animals and how “wheelchair” is defined.

Please be advised that the U.S. Department of Transportation has issued no changes to its ADA regulations, which cover transportation provided by both the private and public sector.

The cause of any confusion has been a Final Rule issued several months ago by the U.S. Department of *Justice* (DOJ), which made a number of changes to their ADA regulations that went into effect on March 15, 2011. While the purpose of DOJ’s revisions was to adopt the 2004 accessibility standards (which DOT did in 2006), they also contained language amending provisions for service animals and introduced a new distinction between “wheelchairs” and “other powered mobility devices” or OMPDs.

These changes to *DOJ’s* regs do *not* affect the *DOT* ADA regulations, which cover transportation (both public and privately-operated). The DOJ regs do not compel transit operators to make any changes to their service animal policies or the manner in which they regard mobility devices, nor should transit operators elect to make any changes on this basis. In fact, because the DOT and DOJ regulations now read differently in this regard, changes to accommodate DOJ regulations could result in a grantee being out of compliance with the DOT ADA regulations.

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