

## **FTA 49CFR Section 37.167 (other service requirements)**

(h) 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) [see paragraph (e) of 177.870 and paragraphs (a) and (1) of 177.840 below]

Under DOT hazardous materials rules, a passenger may bring a portable medical oxygen supply on board a vehicle. Since the hazardous materials rules permit this, transit providers cannot prohibit it. For further information on hazardous materials rules, as they may affect transportation of assistive devices, entities may *contact the Department's Research and Special Programs Administration, Office of Hazardous Materials Transportation (202-366-0656)*.

## **DOT 49 CFR subtitle B, Chapter 1, subchapter C**

### **Subpart E—Regulations Applying to Hazardous Material on Motor Vehicles Carrying Passengers for Hire**

#### **§177.870 Regulations for passenger carrying vehicles.**

(a) *Vehicles transporting passengers and property.* In addition to the regulations in parts 170–189 of this subchapter the following requirements shall apply to vehicles transporting passengers and property.

(b) *No Class 1 (explosive) materials or other hazardous materials on passenger-carrying vehicles, exceptions.* No hazardous materials except small-arms ammunition, emergency shipments of drugs, chemicals and hospital supplies, and the accompanying munitions of war of the Departments of the Army, Navy, and Air Force of the United States Government, are authorized by parts 170–189 of this subchapter to be transported on motor vehicles carrying passengers for hire where other practicable means of transportation is available.

(c) *Class 1 (explosive) materials in passenger-carrying space forbidden.* No Class 1 (explosive) material, except small-arms ammunition, may be carried in the passenger-carrying space of any motor vehicle transporting passengers for hire.

(d) *Hazardous materials on passenger carrying vehicles; quantity.* Where no other practicable means of transportation is available the following articles in the quantities as shown may be transported in motor vehicles carrying passengers for hire in a space other than that provided for passengers: Not to exceed 45 kg (99 pounds) gross weight of any or all of the kinds of Class 1 (explosive) materials permitted to be transported by passenger-carrying aircraft or rail car may be transported on a motor vehicle transporting passengers: *Provided, however,* That samples of Class 1 (explosive) materials for laboratory examination, not to exceed two samples, or a total of no more than 100 detonators, Division 1.4 (explosive)

materials at one time in a single motor vehicle, may be transported in a motor vehicle transporting passengers.

**(e) *Articles other than Class 1 (explosive) materials on passenger-carrying vehicles.***

The gross weight of any given class of hazardous material other than Class 1 (explosive) materials shall not exceed 45 kg (99 pounds), and the aggregate weight of all such other dangerous articles shall not exceed 225 kg (496 pounds). This provision does not apply to nontoxic, nonflammable refrigerants, when such refrigerant is for servicing operations of a motor carrier on whose motor vehicles the refrigerant is used. **A cylinder secured against movement while in transit and not exceeding 113 kg (250 pounds) gross weight may be transported.**

**(f) *Division 6.1 (poisonous) or Division 2.3 (poisonous gas) materials on passenger-carrying vehicles.***

No motor carrier may transport any extremely dangerous Division 6.1 (poisonous) or Division 2.3 (poisonous gas) material, or any paranitroaniline, in any amount, in or on any bus while engaged in the transportation of passengers; or any less dangerous Division 6.1 (poisonous) material, which is other than a liquid, in any amount exceeding an aggregate of 45 kg (99 pounds) gross weight in or on any such bus.

**(g) *Class 7 (radioactive) materials.*** In addition to the limitations prescribed in paragraphs (b) and (e) of this section, no person may transport any Class 7 (radioactive) material requiring labels under §§172.436, 172.438, and 172.440 of this subchapter in or on any motor vehicle carrying passengers for hire except where no other practicable means of transportation is available. Packages of Class 7 (radioactive) materials must be stored only in the trunk or baggage compartment of the vehicle, and must not be stored in any compartment occupied by persons. Packages of Class 7 (radioactive) materials must be handled and placed in the vehicle as prescribed in §177.842.

[29 FR 18795, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967]

**Editorial Note:**

For *Federal Register* citations affecting §177.870 see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

**§177.840 Class 2 (gases) materials.**

(See also §177.834 (a) to (j).)

**(a) Floors or platforms essentially flat.** Cylinders containing Class 2 (gases) materials shall not be loaded onto any part of the floor or platform of any motor vehicle which is not essentially flat; cylinders containing Class 2 (gases) materials may be loaded onto any motor vehicle not having a floor or platform only if such motor vehicle be equipped with suitable racks having adequate means for securing

such cylinders in place therein. Nothing contained in this section shall be so construed as to prohibit the loading of such cylinders on any motor vehicle having a floor or platform and racks as hereinbefore described.

(1) ***Cylinders.*** Cylinders containing Class 2 (gases) materials must be securely **restrained** in an upright position, loaded in racks, or packed in boxes or crates and securely attached to the motor vehicle to prevent the cylinders from being shifted, overturned or ejected from the vehicle under normal transportation conditions. After May 30,2003, a cylinder containing a Class 2 material may be loaded in a horizontal position when the cylinder is designed so that the inlet port to the relief channel of the pressure relief device is located in the vapor space of the cylinder.

(b) Portable tank containers containing Class 2 (gases) materials shall be loaded on motor vehicles only as follows:

(1) Onto a flat floor or platform of a motor vehicle.

(2) Onto a suitable frame of a motor vehicle.

(3) In either such case, such containers shall be safely and securely blocked or held down to prevent movement relative to each other or to the supporting structure when in transit, particularly during sudden starts and stops and changes of direction of the vehicle.