



Kansas RTAP Fact Sheet

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Service Animals & Public Transit

How They Can Both Serve Together

By Janellys Long

Introduction

The topic of service animals is pertinent and significant in the world of transit due to the role they play in aiding in the mobility of individuals with disabilities. Many individuals, including the providers of public and private transportation, individuals with disabilities, and the general public are unsure about the rules and requirements of service animals. However, there are many severe consequences if Americans with Disabilities Act (ADA) laws and regulations are violated.

The purpose of this article is to clarify what a service animal is, the expectations of accommodating a service animal, rules regarding service animals, the process of suspending a service animal, and consequences of violating ADA laws.

It is essential that all transit drivers are fully aware of laws and regulations involving service animals in order to avoid legal ramifications such as a complaint filed with the Federal Transit Administration. Transit drivers' ignorance of the law or lack of proper training will not protect them from the consequences imposed. Possible consequences will be discussed in this article.

What is a Service Animal?

The ADA defines a service animal as an animal individually trained to do work or perform tasks for people with disabilities. We interviewed Ken Thompson, a technical assistance coordinator with Easter Seals Project Action. He identified the confusion between the Department of Justice's (DOJ) and the Department of Transportation's (DOT) differing definitions of service animals as a common misconception. The DOJ restricts the usage of the term "service animals" to dogs and miniature horses only. The DOT expands the usage of the term to all animals within the control of their handler. Mr. Thompson clarified all transit service providers must abide by the DOT's definition.

The following are examples of tasks performed by service animals:

- providing mobility assistance for a deaf and/or blind individual
- monitoring an individual who experiences seizures and protecting them when they seize
- maneuvering the wheelchair of an individual with a mobility disability

A variety of breeds and species are used as service animals. City-imposed bans on specific dog breeds are not applicable to service animals.



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When attempting to identify whether an animal is a service animal, the following two questions can be asked to verify the animal's status:

- Is the animal a pet or a service animal?
- What task is the service animal trained to perform?

It is both inappropriate and illegal to request specific information such as the medical reason why the animal is needed or for documentation to verify the animal's service status. Likewise, transit providers cannot mandate that service animals wear identifying material such as a vest or an identification tag.

What is an emotional support animal?

A common misconception is that service animals and emotional support animals (ESA) are synonymous terms. They are not. The purpose of emotional support animals is to provide emotional support through companionship. ESAs do not have to be accommodated on transit. However, for non-service animals, it is strongly encouraged that transit providers consider an animal's role in assisting with their handler's mobility as well as the animal's temperament and behavior to determine if the animal should be accommodated.

Service animals offer assistance to disabled individuals and are trained to complete specific

tasks their handler cannot do themselves. Service animals must be accommodated on transit.

Accommodating Service Animals

Individuals traveling with service animals have the right to utilize transit services without discrimination. Because of this, a service animal cannot be denied entry on transit. The existence of a "no pets" policy does not make a transit provider exempt from ADA requirements.

Instead, transit providers are required to provide reasonable

accommodations to individuals with service animals to enable them to utilize transit services in a manner equal to individuals without service animals. Also, individuals are permitted to travel with their service animals even if the majority of the tasks the animals perform to aid them are unrelated to utilizing the transit service. In addition, individuals are permitted to travel with multiple service animals

Additionally, transit providers cannot impose cleaning fees due to disorganization and untidiness caused by service animals if the agency does not impose a similar policy for individuals without service animals. An acceptable policy would state a set fee to be charged if a vehicle is left excessively dirty by any individual.

Likewise, transit providers cannot designate specific seats where individuals with service animals can sit. However, Natalie Goertzen, assistant director at Reno County Department of Aging and Public Transportation, stated that her agency policy is that service animals must stay by their handler's feet. Goertzen also stated her agency has a lenient approach in regard to animals on transit. She explained her agency allows small animals in carriers as well as companion animals if they are under the control of their handler.

Service Animals Rules

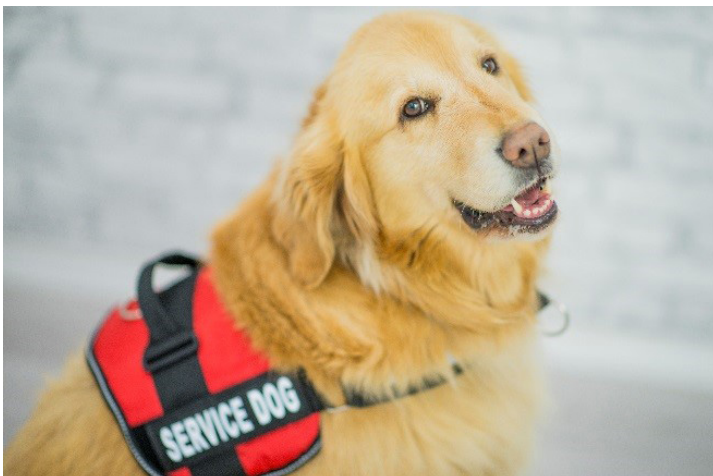
Although service animals are granted protections and accommodations, they are not immune from rules and regulations. For instance, service animals:

- must not block aisles or exits
- must be under the full control of their handler
- must be harnessed or leashed, unless the animal is performing a trained act that requires unleashing
- must refrain from persistently sniffing or barking at other passengers
- must not display aggressive behavior towards other passengers.

Additionally, it is the handler's responsibility to best know how to:

- board and position the service animal
- care for the animal
- manage interactions with the animal and the other passengers.

Goertzen encourages coordination with veterinarians when implementing policies related to service animals. For instance, Reno County Department of Aging and Public Transportation consulted a veterinarian when implementing a policy for handling service animals that urinate or defecate during a ride. The agency's policy is to pull the vehicle out of service and vacate the bus appropriately. Once this is completed, the vehicle is cleaned with the necessary chemicals and a letter is issued to the handler referencing the agency's policy on cleaning fees.



Suspension of Service Animals

If a service animal is deemed to be disruptive, not under the control of its handler, and/or a threat to other passengers, consider making the animal eligible for suspension by the transit provider. Disruptive behavior varies from excessively friendly behavior to aggressive tendencies. In these cases, transit providers can request the service animal vacate the premises and/or not utilize the transit service in the future.

It is highly encouraged that transit providers establish a standardized method of handling these situations that includes documenting all aspects of these incidents including verbal warnings, written warnings, and suspensions.

Consequences of Violating ADA Laws

ADA accommodation violations are handled through the reporting of complaints to the transit system locally, at the state level, or to the Federal Transit Administration.

Thompson provided a list of information that must be included with ADA complaints. The basic information that should be included in the complaint are the complainant's contact information and contact information for the complainant's medical personnel if an injury was involved. The complaint should include detailed facts on the incident such as time and location of the incident, mobility equipment information, identification of people involved, contact information of witnesses, bus drivers and route information, if applicable, and the vehicle number.

Thompson also explained that it is the transit providers' responsibility to keep the complainant informed of the status of the complaint. He stated, "The transit agency should keep a record of all communications involving the complaint and resolve it in a timely manner which is typically within two weeks. The transit provider must be prepared to let a complainant know the status of their complaint."

Conclusion

The topic of service animals is important in the transit industry. It is essential that transit providers offer adequate training to staff members

who interact with the public, to maintain full compliance with ADA regulations focused on service animals.

Sources for this article

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