

## Policies Regarding Service Animals

*Information compiled May 4, 2005*

**The Question:** How does your agency handle unique service dogs or animals? The agency asking this question has a passenger with a pit bull. The owner says the service the dog provides is companionship and security. The un-muzzled pit bull is startling to passengers and operators. Do you have guidelines for determining whether an animal is truly a service animal or a pet in disguise?

**Clallam Transit** says...We do not have policy or guidelines for determining whether an animal is a true service animal. Basically, if a passenger says that an animal is a service animal, we accept that. I did pull up an ADA Business Brief from the U.S. Dept. of Justice online <http://www.usdoj.gov/crt/ada/svcabrpt.pdf> that stated that a, "fear of animals is generally not a valid reason for denying access or refusing service to people with service animals." Additionally it says that a passenger may be asked if an animal is a service animal, but that we cannot require special ID cards or the like. I would be interested in seeing how other agencies handle this.

**Columbia County Public Transportation** says ... The ADA requires that public entities permit service animals to accompany individuals with disabilities in vehicles and facilities (37.167) and defines a service animal as "any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of 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." (Some recent DOT guidelines have opened the door to the service provided being emotional support.) We may not require proof that the animal is a trained service animal, although we may inquire if the animal is a pet or what tasks the animal has been trained to perform. Bottom line is if the passenger says the animal is a service animal we accept it.

With that being said, the person using the service animal is responsible for it's behavior and may be held liable for same. Service animals must be under the control of the owner at all times and may not be allowed to roam around the vehicle. We may deny service only if the animal's behavior poses an immediate and likely risk of injury to persons or risk to property, not remote or speculative. In other words, we cannot deny transportation to a service dog just because it's a pit bull. However, if the animal is out of control or its behavior (not its breed) is threatening to the operator or passengers, we would deny service. This is how our operators are instructed.

**CUBS** says ... Have no idea on this one!

**C-TRAN** says ... I dealt with a very similar situation a number of years ago involving a pitbull and a group of homeless folks. I challenged their assertion that it was a service animal and that addressed the problem. I'm sure that was fully compliant with the ADA. We now only focus on whether the animal is under the control of the passengers. If the animal displays aggressive behavior the operator can refuse service and a supervisor is dispatched to meet with the customer. A good source of information is Easter Seals new Project Action brochure titled Transit Operator's Pocket Guide which covers this issue and a number of other issues pretty thoroughly.

**Grays Harbor Transit** says... This is a tough one because we have passengers trying to use all types of animals for service animals. We have the driver simply ask is that a service animal if there immediate response is yes we let them board. If the passenger responds with anything other than yes the driver calls dispatch for instructions.

**Intercity Transit** says ... Intercity Transit uses the ADA guidelines as our policy. The agency may ask if the animal is a pet. If the passenger says the animal is a service animal (or not a pet), you may ask what tasks the animal has been trained to perform for the passenger. Companionship and security are not actually recognized as tasks by the ADA. Since this animal does not appear to be a service animal but seems to be an "emotional support animal", we would require that the animal be contained in a carrier which would prevent the animal from walking around the bus. These are definitions we've used:

"Emotional Support Animal" - An animal which is not specifically trained to perform a function for a particular person with a disability, but provides some level of comfort to the person. These animals are not afforded access rights under the Americans with Disabilities Act.

"Service Animal" - A working animal individually trained to perform tasks for people with disabilities, such as:

- guiding people who are blind,
- alerting people who are deaf,
- pulling wheelchairs,
- alerting and protecting a person who is having a seizure, or --performing other special tasks.

"Pet" - A domesticated animal kept for pleasure rather than utility.

The ADA doesn't permit us to ask for proof that the animal is actually a trained service animal or to require any kind of identification. We can't ask the passenger about their disability, but sometimes they will provide that information on their own. If they tell you that they aren't disabled, you can act on that. Asking if the animal is a pet, rather than asking if it is a service animal is actually more helpful in getting information from the passenger.

An important point in this issue is that the passenger must have their service animal under control at all times. If the animal is not controlled by the passenger, you may then ask that the animal be removed.

Easter Seals has a great laminated guide for transit operators that highlights significant transit related points of the ADA. The guide is free to transit agencies. It can be found at Easter Seals Project Action website as a free download, or you can order the laminated version here.

[http://projectaction.easterseals.com/site/PageServer?pagename=ESPA\\_public\\_transportation](http://projectaction.easterseals.com/site/PageServer?pagename=ESPA_public_transportation)

You can also order it by writing to [projectaction@easterseals.org](mailto:projectaction@easterseals.org). Their toll free number is 800-659-6428.

**Island Transit** says... We have questioned this rule many times although I must admit never with a pit bull dog. We have always been told that we cannot question the use of a service animal. In Title 111 of the ADA regs, it explains the rule and what exceptions can be made.

**Mason Transit** says... If you haven't e-mailed Bob Carroll at Metro, do so. He has all the regulations, supporting material, research and the justification for controlling the situation. He is at [bob.carroll@metrokc.gov](mailto:bob.carroll@metrokc.gov) and 206-263-3110 (reception). He will tell you about "posing a threat" to other passengers. We are pretty loose at MTA, just getting things in writing. We go with what the rider tells us. They say it is a service animal, we let them board. We have had a couple of abusers, and have dealt with them informally, one-on-one. It is much easier in a small system where we know our riders personally.

**Pullman Transit** says... Has the dog caused a problem? If so you can require certain procedures, but if not you cannot require special rules for this dog that you would not impose on any other animal. You cannot impose sanctions on a "perceived" problem.

**Spokane Transit** says ... At the point when the passenger is entering the bus, the operator is allowed to inquire, "Is this your service animal?" If the patron replies "Yes," the operator is instructed to allow the animal on the bus. The operators are instructed not to challenge the customer.

However, if the operator questions that the animal is truly a service animal, the operator is encourage to report his/her concerns to a dispatcher/supervisor. The dispatcher/supervisor with or without my assistance and/or with or without the assistance of someone from security can question the person by asking, "Is this your service animal that has been individually trained to perform tasks for you?" If the person says, "Yes," we may ask, "What tasks has the animal been trained to perform?"

On the surface, I would say that a dog cannot be individually trained to provide comfort. The dog may be individually trained to provide security, but I would want to see a direct relationship between the person's disability and the security training. If the animal has not been individually trained to perform tasks, the animal is not a service animal.

Even if one could draw a direct correlation between the person's disability and the dog's training for security, the animal has to be under the control of the handler at all times. Any displays of aggression (biting, snapping, etc.) would be grounds to immediately remove the animal from the bus. If the animal cannot effectively be brought under control of the handler and is out of control -- continually barking, sniffing other passengers, not staying where told, etc., the operator also can remove the animal from the bus under these kinds of circumstances.

Although the following is not how Spokane Transit's operators are trained to respond, Project Action through Easter Seals suggests to coach operators: If you are unsure that an animal is a service animal, you may inquire if the animal is a pet. If the customer responds that the animal is a service animal, you may ask what tasks the animal has been trained to perform.

Information regarding service animals can be found on the Department of Justice website:

<http://www.usdoj.gov/crt/ada/svcabrs3.pdf>

**Valley Transit** says ... Attached is our policy regarding Service Animals and Pets. This is taken out of our Dial-A-Ride handbook. As long as the animal performs some sort of task for the person with a disability, we consider it a service animal. The animal does not have to have certified training. If there is a question we will have a supervisor talk to the person and explain or demonstrate the task the animal is trained to do. If Operators question if an animal is a pet or a service animal, they can ask the person. They will take the word of the person. If they suspect the animal is just a pet, they will report it to a supervisor and let them handle the situation. [CLICK HERE](#) for the policy.

**Whatcom Transit** says... our own Policy won't necessarily help you on this one. I will give you an email address of a gentleman we've had here twice to facilitate a disability awareness class. His name is Dr. Kevin Frankeberger and his email is [k.frankeberger@yahoo.com](mailto:k.frankeberger@yahoo.com). He's blind and uses a Service Animal (dog). He's opinionated re the training of Service Animals (dogs). He believes in certification (not yet an ADA requirement). He could give you some tips though. He resides in Shelton and his wife also has a Service Animal (dog) too. Other than that, I'd be glad to talk to you about this. In short, if someone has a Service Animal whose behavior is acceptable, it's a difficult situation if it makes them nervous. I would have a conversation with the "owner" and discuss the effect his Cujo look-alike has on others and see if a compromise, understanding, or degree of empathy could be reached.