



# Frequently Asked Questions about Service Animals

*Presented by Easter Seals Project ACTION*

**A**t Easter Seals Project ACTION, many questions are received concerning service animals in the context of ground transportation. The questions are asked by people with disabilities, public and private transportation providers, the general public and people who train service animals. In recognition of the critical role that service animals play in the independent travel of people with disabilities, this document was developed based on the Americans with Disabilities Act and its stipulations about the rights and responsibilities of people traveling with service animals. It also addresses policies and practices of transportation providers, going above and beyond the ADA's regulatory obligations to provide good customer service.

In this document, we have used the terms handler and customer interchangeably. The examples in this document refer to service dogs. Other animals can be individually trained to provide assistance to people with disabilities as described below.

## 1) "What is a service animal?"

The ADA defines a service animal as *any* guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

Service animals perform tasks to help a person with a disability live independently. Guide dogs are one type of service animal, used by some individuals who are blind or who have low vision. This is the type of service animal with which most people are familiar. But there are other service animals – monkeys, cats and birds, for example – that assist people with other kinds of disabilities in their day-to-day activities. Some examples include:

- ▶ Alerting people who are deaf
- ▶ Alerting and protecting a person who is having a seizure
- ▶ Pulling wheelchairs or carrying and picking up things for individuals with mobility disabilities
- ▶ Assisting people having mobility disabilities involving balance

A service animal is *not* a pet – nor does it have to be described by the term “service animal.” A customer may use another term when describing her animal, such as mobility animal, assistance animal, etc.) To determine whether the provisions of the ADA apply, transportation providers must consider the role of the animal and not just the term used to describe the animal.

Identification of the role of the animal should be as brief as possible and providers should not ask personal or intrusive questions. If the transportation provider and the customer need to have a lengthy conversation, the conversation should not happen on the vehicle in front of other passengers.

In this short ESPA document, the term service animal is used as a general term, as it is not possible to provide an exhaustive list of the terms people use to describe their animals, nor the many tasks that individually trained animals may perform to assist customers with disabilities, nor the variety of animals that may accompany customers with disabilities on public and private transportation vehicles.

## **2) “Can an operator require a person traveling with a service animal to sit in a particular seat on the vehicle?”**

No. Since access to public and private transportation is a civil right for customers with disabilities under the ADA, a customer with a service animal cannot be segregated from other customers and the service animal must be permitted to accompany its owner on the vehicle.

## **3) “If the transportation authority has a ‘No Pets’ policy, are drivers and operators still required to serve passengers traveling with service animals?”**

Yes. The ADA requires transportation providers to modify any “No Pets” policy to allow the use of a service animal by a person with a disability. This does not mean a provider must abandon such a policy altogether, but that an exception to a general rule about animals be made to include the transport of service animals.

## **4) “What other policies does the ADA require transportation providers to modify?”**

Overall, policies should ensure that people with disabilities have the same opportunity to use the service as do customers without disabilities. Consequently, any reasonable request for modification of policy made by a person with a disability, such as a specific request for boarding a service animal in a particular manner, should be considered.



### **5) “Can a transportation provider charge a cleaning fee for customers who bring service animals onto vehicles?”**

No. The provider cannot charge a customer with a disability a fee as a condition for allowing a service animal to accompany him or her. However, the transportation provider may charge passengers with disabilities if a service animal causes damage so long as it is the regular practice of the entity to charge customers without disabilities for the same types of damages.

### **6) “How can an operator tell if an animal is really a service animal and not just a pet?”**

Some, but not all, service animals wear special collars and harnesses. If drivers are unsure that an animal is a service animal, they may inquire if the animal is a pet. If the customer responds that the animal is a service animal, they may ask what tasks the animal has been trained to perform. They cannot require special identification for a service animal, inquire about a customer’s disability, or ask for a demonstration of the tasks that a service animal has been trained to perform. Remember, the customer does not need to use the magic phrase “service animal.”

### **7) “Can the operator ask for proof of service animal certification or the customer’s disability?”**

No. Some, but not all, service animals are licensed or certified and have identification papers. Although a number of states have programs to certify service animals, operators may not insist on proof of state certification or identification before permitting the service animal to accompany the person with a disability on the vehicle. Since no national standard for certification exists, proof of certification can not be required. Some customers may carry documentation of disability, but many will not. To require such proof of disability as a condition for providing service to an individual accompanied by a service animal is intrusive and prohibited under the ADA.

### **8) “What does the ADA say about driver training?”**

The ADA states that every transportation employee or operator who serves people with disabilities must have been trained so that he knows how to provide non-discriminatory service in an appropriate and respectful way. When it comes to providing service to people with disabilities, ignorance is no excuse for failure. This requirement includes customers traveling with service animals.

An employee or driver who has forgotten what she was told in past training sessions, resulting in a lack of knowledge about what needs to be done to serve people with disabilities, does not meet the standard of being trained to proficiency.

The requirements address both technical tasks and interacting with customers. Drivers need to know how to run equipment the right way. Every person who has contact with the public also has to understand the necessity and details of treating people with disabilities courteously and respectfully.

One of the best sources of information on how to train personnel to interact appropriately with individuals with disabilities is the disability community itself. Consequently, the ADA urges public and private transportation providers to consult disability organizations concerning personnel training. Involving people with disabilities who use service animals in the actual training helps to establish or improve long-term working relationships.

### **9) “What action may be taken if a customer traveling with a service animal believes he has received discriminatory treatment?”**

Because the ADA is civil rights legislation, suits may be filed directly in federal court should an individual believe he has been discriminated against under the provisions of the ADA. An individual may also file a complaint against public and private transportation providers directly with the U.S. Department of Justice (DOJ), which handles complaints regarding claims of discrimination under Titles II and III of the ADA.

### **10) “Can a customer travel with a service animal on any trip, even if the service animal is clearly not needed when in transport?”**

Yes. In light of the definition of a service animal, any customer with a disability can travel with a service animal. It may be that much of the work of the service animal is done outside the activity of a trip, but that does not matter in a transport situation. The *customer* determines the need for a service animal, just as she does for a personal care attendant or a mobility aid.

### **11) “What are the responsibilities of people who travel with service animals?”**

Customers are responsible for maintaining control over their animals and caring for them at all times. Customers traveling with service animals should be aware that the driver may ask them some of the questions discussed in this document and be prepared to answer them. The handler is responsible for knowing the best way to board the animal and also the best way to position the animal while the vehicle is moving, particularly if the animal might be required to provide assistance during the transit trip.

A customer is responsible for managing interactions with other passengers when situations arise involving his service animal such as asking others not to pet his dog or distract his service animal or interrupt its work.



## **12) “Is the customer required to notify the transportation provider that she will be traveling with a service animal when scheduling a trip?”**

No. If a customer is applying for ADA complementary paratransit eligibility, she may be asked if she will be traveling with a service animal, just as she may be asked if she is traveling with a wheelchair or other mobility aid.

## **13) “Under what circumstances can a provider refuse to transport a service animal?”**

If an animal is determined to be a service animal, the only thing that can prevent a transportation provider from being able to transport that animal with the individual is if the animal is not under control of the handler or it is being disruptive or threatening to the safety of others. Transportation providers are cautioned against making assumptions based on past experiences with other animals, and to consider the behavior of each animal individually.

Disruptive behavior can range from being overly friendly, with the dog walking down the bus aisle nosing everybody’s lunch bag, to growling and being threatening, or lunging toward passengers or other animals. It is the handler’s responsibility to make sure these types of things do not occur and if they do occur that they’re stopped immediately.

## **14) “Can a provider require service animals to board vehicles and rail cars in a certain way?”**

The ADA does not require a customer’s service animal to board the vehicle a certain way.

While some transit authorities have specific policies on boarding service animals, public and private transportation providers are encouraged to respect the customer’s wishes about how to board her animal, since the animal’s safety is the customer’s responsibility and the customer knows what works best for the animal. Some customers prefer that their animals board and alight with them. Some prefer that their animal not ride on the lift to protect the animal from the lift’s moving parts and have their animal use the bus steps and wait while they use the lift.

Just as transportation providers defer to the customer on whether to board the lift facing forward or backward in his wheelchair, unless his way of boarding amounts to a direct threat to safety, providers should give customers traveling with service animals the power to choose how to board their animals.

Many transit authorities offer customers the opportunity to practice maneuvering their wheelchairs or mobility aids on a transit vehicle. Transit is encouraged to offer the same opportunity to customers traveling with service animals, especially if the transit fleet contains a mix of different equipment. A customer may have devised a training module for her animal that may need to be revised to match the vehicles in the transit fleet.

### **15) “Do service animals require a seat?”**

Not usually. Seats are reserved for fare-paying customers and handlers are not charged a fare for their service animals.

Given that dogs are the most common form of service animals, they usually sit at the person’s feet under the seat, directly beside the mobility aid, or between the customer’s knees. If it’s a small dog, it might even sit in the customer’s lap or in a pouch or carrier.

Since the ADA is silent on this issue, customers and the transportation provider are encouraged to talk to one another to determine what is reasonable if such a need should arise and work together on a solution.

### **16) “Can a customer travel with more than one service animal?”**

Yes. Nothing in the ADA limits the number of animals with which an individual can travel, other than stating that the animal needs to be under the customer’s control at all times. Transportation providers are cautioned against asking personal or intrusive questions about the need for more than one animal. Different animals may provide different assistance. For example, one dog may provide mobility assistance while another may be a seizure alert animal. Similarly, customers should be prepared to answer questions about the tasks the individual animals have been trained to perform.

### **17) “What about fear of animals or allergies?”**

These are not valid reasons for denying service to a customer with a disability who is accompanied by a service animal.

If a customer is afraid to walk past a service animal, one good solution is to consider allowing a customer to hand his fare to the driver and enter through another door. This may involve modifying policies about drivers not handling money, just as would be done for a passenger who needs assistance paying the fare.

In general, allergies are caused by extended and direct contact with the animal’s fur or dander. It should be possible to create enough distance between the passenger with the service animal and the passenger or driver with allergies on a rail car or a fixed-route bus.

On a smaller vehicle it may be more of an issue. For example, due to the shared-ride nature of paratransit, space is limited on the vehicle and trips tend to be longer. Staff may need to take care not to schedule a person (either a customer or a driver) with a severe allergy to animals on the same vehicle as a person traveling with a service animal.



## **18) “What do people who train service animals need to know about challenges for service animals on transit?”**

It varies depending on the animal’s personality and training. The most common challenges are probably the noise and congestion at stops and transfer points and on platforms and vehicles. It’s important that people who train service animals include exposure to public and private transit early in the training process to determine if the animal is going to be able to handle that level of work and to afford it the opportunity to learn and adjust.

Trainers should also consider that the tasks performed by the animal may have to be performed on a crowded vehicle, and adjust the trained behavior accordingly.

## **19) “Who offers information about service animals and air travel or the Air Carrier Access Act?”**

Call the Department of Transportation Disability Hotline at (800)778-4838 (voice) and (800)455-9880 (TTY).

## **20) “Where can I get more information on this topic?”**

Contact Easter Seals Project ACTION at (800)659-6428 or visit [www.projectaction.org](http://www.projectaction.org). The Clearinghouse page provides the opportunity to order or download a copy of the document titled, “Serving Passengers Traveling with Service Animals.”

Visit the U.S. Department of Justice website and download a copy of “ADA Business Brief: Service Animals.”

*Important note: At the time this document went to press (August 2006) the United States Department of Transportation’s (USDOT) ADA rulemaking process on amendments to the Americans with Disabilities Act ADA and 504 regulations addressing modification of policy and other items was under way. In this document, the intent is to provide technical assistance and not legal advice. More information on this important issue will be forthcoming, once USDOT publishes guidance and a final report and order in this proceeding.*

## **About Easter Seals Project ACTION**

Easter Seals Project ACTION is a national training and technical assistance project bringing together the interests of public transportation and people with disabilities. It is funded by the U.S. Department of Transportation, Federal Transit Administration, and administered by Easter Seals Inc. The opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Transportation. Nor does mention of tradenames, commercial products, or organizations imply the endorsement of the U.S. Department of Transportation.

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