

 <p><b>HAMPTON ROADS TRANSIT</b></p> <p><b>POLICY AND PROCEDURES MANUAL</b></p>	<p>NUMBER <b>HR-125</b></p>	<p>EFF. DATE <b>11/20/2019</b></p>
	<p>SUPERSEDES <b>11/15/2016</b></p>	
<p>RESPONSIBLE DEPARTMENT <b>Human Resources</b></p>	<p>KEY SUBJECT <b>ADA Compliance</b></p>	
<p>TITLE <b>ADA Service Animals Policy &amp; Procedures</b></p>		
<p>APPLIES TO <b>All Hampton Roads Transit Employees and Contractors</b></p>	<p>APPROVAL(S) <b>Harrell/Wolcott</b></p>	

## Purpose

To define service animal and state Hampton Roads Transit's (HRTs) policy and procedures for service animals on HRT vehicles and in facilities regarding the public. Public transit providers must follow the DOT definition when assessing whether to accommodate an animal. While most service animals are dogs, DOT's definition recognizes the possibility of other animals on fixed route, demand response, paratransit, and in facilities. While DOT's definition of a service animal is different from DOJ's the definition is the same as DOJ's in the water transportation environment.

## Policy Statement

It is the policy of Hampton Roads Transit to permit service animals to accompany individuals with disabilities in HRT vehicles and facilities subject to exceptions as stated in this Policy.

## Service Animals with Exception to Ferry Vessels

Service Animal is any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability.

The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to:

- assisting individuals who are blind or have low vision with navigation and other tasks
- alerting individuals who are deaf or hard of hearing to the presence of people or sounds
- providing non-violent protection or rescue work
- pulling a wheelchair
- assisting an individual during a seizure
- alerting individuals to the presence of allergens
- retrieving items such as medicine or the telephone
- providing physical support and assistance with balance and stability to individuals with mobility disabilities

TITLE <b>ADA Service Animals Policy &amp; Procedures</b>	NUMBER <b>HR-125</b>	DATE <b>11/20/2019</b>	Page <b>Page 2 of 6</b>
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- helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behavior

Regulations do not limit the number of service animals that may accompany a single individual. It is possible that an individual might have several service animals that are trained to provide different tasks. All service animals are individually subject to the exceptions in section 5.2 of this document.

## Exceptions

Service animals shall not be permitted in HRT vehicles or facilities if the following should occur:

- The animal is not maintained or under the control of the owner at all times.
- The animal is a direct threat to the health or safety of others.
- The animal is not at the owner's feet or on their lap.
- The owner insists the animal sit on a vehicle seat.
- The animal is not "housebroken".
- The animal is a companion or emotional support animal. These animals would fall under the guidance of any HRT pet or companion animal policy.

## Determining a Direct Threat

A direct threat refers to a direct threat to other individuals and not to the person with the disability. HRT is not required to permit a service animal in HRT vehicles or facilities when that animal poses a direct threat to the health or safety of others.

In determining such threat, HRT employees must make an individualized assessment, based on reasonable judgment, that relies on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk, the probability that the potential injury will actually occur, and whether reasonable modifications or accommodations of and within HRT policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

A direct threat is not represented by occasional barking or noises coming from the animal, an allergy to that animal, or a fear of that particular animal, breed or species.

## Fares

HRT is not permitted to charge an individual a separate fare or fee to transport or allow entry for their service animal(s) in any vehicle, vessel, or facility.

## Process and Procedures

When engaging an individual with an animal who has entered an HRT vehicle or facility, an HRT employee may only ask the following two questions in order to determine if the animal is a

TITLE <b>ADA Service Animals Policy &amp; Procedures</b>	NUMBER <b>HR-125</b>	DATE <b>11/20/2019</b>	Page <b>Page 3 of 6</b>
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service animal:

1. Is the animal a service animal required because of a disability?
2. What work or task has the animal been trained to perform?

These questions may not be asked if the need for the service animal is obvious (e.g., the dog is guiding an individual who is blind or is pulling a person's wheelchair). At no time, can an individual be asked to state or describe their disability or ask for identification, certification or documentation that states the animal is a service animal.

Should another animal already occupy space in the same vehicle or facility in which another service animal may enter, the employee may inform those individuals that a service animal is already occupying that space to avoid potential conflict.

Employees are to follow their departments protocols for refusing animals and the removal of animals during transport only if those policies are added as an adopted appendix to this policy. These protocols may provide details regarding specific protocols should the animal become a direct threat, soil or damage HRT property. Departmental protocols shall be in full compliance with this policy.

#### Service Animals (Ferry Vessels)

In accordance with the DOTs Title 49 Part 39 §39.3 and §39.91, Passenger Vessel Operators (PVO), contracted or otherwise, are subject specifically to the DOJ definition of a service animal as being any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other types of animals (e.g., cats, primates) are not considered service animals under DOJ rules in regard to vessels.

Further, animals that are not trained to do work or perform tasks are not considered to be service animals. For example, emotional support animals, which provide emotional support, well-being, comfort, or companionship to an individual with disabilities but are not trained to do work or perform tasks, are not considered to be service animals.

PVOs must accept the following as evidence that an animal is a service animal: Identification cards, other written documentation, presence of harnesses, tags, and/or the credible verbal assurances of a passenger with a disability using the animal. PVOs must also permit service animals to accompany a passenger in all locations that passengers can use on a vessel, including lifeboats.

Attachment 1: "DOT Passenger Vessel Guidance" found at the end of this document will provide further detailed information pertaining to service animals and passenger vessels.

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TITLE <b>ADA Service Animals Policy &amp; Procedures</b>	NUMBER <b>HR-125</b>	DATE <b>11/20/2019</b>	Page <b>Page 4 of 6</b>
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## **Service Animals in Training**

Under the ADA, service animals must already be trained before taken into public places. HRT may make exceptions for Service Animals in need of training on transit routes and services. Service animals in training must comply with all rules and codes of behavior required for service animals in order to be allowed on HRT property or vehicles AND must receive special written permission from HRT ADA Compliance Officer.

## **Damages**

HRT may charge an individual for the cost of repair or cleaning from soiling or damages to any HRT property that resulted from the actions of or command to the individual's service animals(s).

## **Non-Discrimination**

Hampton Roads Transit does not discriminate based on race, color, national origin, age, income, sex, genetics or disability. It is not discrimination to refuse a service animal under the conditions stated in this document; however, an HRT employee shall not refuse to provide service or program access to an individual with a disability solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of HRT or other persons.

### **Accessible Formats**

HRT documents and information can be made available to the public in accessible formats upon request by contacting HRT's ADA Compliance Specialist at:

### **ADA Compliance Specialist**

Hampton Roads Transit  
509 East 18th Street, Building 4  
Norfolk, VA 23504  
(757) 222-6000  
TTY: Dial 711  
ada@hrtransit.org

Attachment 1: DOT Passenger Vessels Guidance

## **Approvals**

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TITLE <b>ADA Service Animals Policy &amp; Procedures</b>	NUMBER <b>HR-125</b>	DATE <b>11/20/2019</b>	Page <b>Page 5 of 6</b>
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The individuals below, submitting and signing this ADA Service Animals Policy & Procedures Manual verify that it was prepared in accordance with the requirements set forth by Department of Justice, Department of Transportation and the Federal Transit Administration, that they are authorized representatives of the Transportation District Commission of Hampton Roads; that their signatures attest that all items and conditions contained in this manual are understood, accepted and approved; and that they are committed to following the policies and procedures contained herein.

**APPROVED BY:**

  
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 William E. Harrell, President/CEO, Hampton Roads Transit
 
  
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 Date

  
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 Kim Wolcott, Chief Human Resources Officer
 
  
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 Date

## Review / Revision History

REVIEW / REVISION	DATE	SECTION	DESCRIPTION	AUTHORITY
	11/14/2016		Multiple	K. Ackerman
	5/08/2018		Annual Review No update needed	K. Ackerman
	5/30/2019		Annual Review No update needed	K. Ackerman
	11/20/2019		Exceptions	K. Wolcott