

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
10	06/11/18	Open	Action	06/04/18

Subject: Mobility Advisory Council Service Animal Ad-Hoc Presentation & Amend and Restate Title XII of Sacramento Regional Transit District Administrative Code Pertaining to the Laws and Rules of Light Rail, Bus Vehicles and Facilities

ISSUE

Whether or not to amend and restate Title XII of the Sacramento Regional Transit District Administrative Code Pertaining to Rules of Light Rail, Bus Vehicles and Facilities.

RECOMMENDED ACTION

Adopt Resolution No. 18-06-____, Amending and Restating Title XII of the Sacramento Regional Transit District Administrative Code Pertaining to Rules for Use of Light Rail and Bus Vehicles and Facilities.

FISCAL IMPACT

No fiscal impact as a result of this action.

DISCUSSION

In November 2017, Sacramento Regional Transit's (SacRT) Mobility Advisory Council (MAC) requested that a service animal policy item be included in the agenda of a future SacRT Board of Director's Meeting and, subsequent to that request, at the November 2017 SacRT Board of Directors' Meeting members of the public with guide dogs expressed concern related to service animal access on SacRT's light rail, buses and facilities due to patrons misrepresenting pets as service animals and not abiding by SacRT current rules for transporting non-service animals. A catalyst for the concerns of the MAC and members of the public was an attack on a guide dog by another animal on SacRT's system.

To begin addressing this issue, SacRT staff held several internal meetings, performed extensive research and peer review of service animal policies among transit agencies, developed protocols for the Security Operations Center to ensure any events involving service animals will be handled appropriately, and conducted educational outreach on the difference between Americans with Disabilities Act (ADA) access rights of service animals (required because of a disability and trained to perform a specific task) and emotional support, therapy or comfort animals (not trained to perform a specific task but instead comfort their owners merely by their passive nature).

MAC also convened a Service Animal Ad-Hoc Committee consisting of SacRT staff, including representatives from Accessible Services, Police Services, Customer Advocacy, Transportation, Light Rail, Marketing, and SacRT's Internal Accountability Auditor, as well as representatives from Paratransit, Inc. and two members of the public with service animals who represent the National Federation of the Blind of California and Golden State Guide Dog Handlers, Inc. As of the date of

Approved:

Presented:

Final 06/05/18

General Manager/CEO

Director, Accessible Services

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this issue paper, the full Ad-Hoc Committee has held three highly interactive and productive meetings. In addition to the rule change being brought forward for Board approval, the Ad-Hoc Committee is working on signage as well as announcements on vehicles and at light rail platforms regarding to further educate and enforce the differences between travelling with service and non-service animals. A copy of the proposed signage and a transcript of the proposed announcements are included as Attachment 1.

Title XV of SacRT’s Administrative Code, “Prohibition of Specified Acts Committed In or On RT Vehicles or Facilities,” (“Title XV” or the “Prohibited Acts Ordinance”) identifies acts committed in or on SacRT vehicles that will result in criminal citation. The Prohibited Acts Ordinance currently provides that non-guide, service, or signal animals are permitted on SacRT vehicles only if: (1) the animal is in a completely enclosed carrying case which is small enough to fit on a person’s lap; and (2) the animal does not otherwise endanger or annoy other persons. Pursuant to ADA Regulations, a transit agency must permit service animals to accompany individuals with disabilities in vehicles and facilities. (49 CFR Section 37.167(d).) “Service animals” are defined by the Department of Transportation as “any guide dog, signal dog, or other animal individually trained to work or perform tasks for 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.” Further, a service animal may be trained to support an individual with a hidden disability; for instance, some animals are trained to alert their owner of an oncoming seizure, remind their owner to take medications for depression, or alert their handler of dangerous changes in blood sugar levels. SacRT may refuse to transport service animals that are deemed to pose a direct threat to the health or safety of drivers or other riders, create a seriously disruptive atmosphere, or are otherwise not under a passenger’s control. An individual is not denied access if their service animal is denied access.

The Ad-Hoc Committee has come to a consensus on the recommendation of a new rule to add to Title XII of SacRT’s Administrative Code Pertaining to the Rules for the Use of SacRT Light Rail and Bus Vehicles and Facilities (“Title XII”) related to “service animals.” On May 3, 2018, a motion was made and unanimously approved by the full MAC to recommend the adoption of this proposed rule to the SacRT Board. The purpose of Title XII is to set forth rules of conduct, as opposed to citable offenses under Title XV, that SacRT customers must abide by in order to use the system. Title XII is designed to address nuisance behaviors that interfere with passengers’ privacy and the safe, pleasant, convenient and efficient provision of transit services. Title XII is enforced primarily by seeking compliance from the individual who is violating a SacRT rule. If the individual refuses to stop the prohibited conduct, they are asked to leave the vehicle or premises.

Based on input from the public, SacRT staff, the MAC Ad-Hoc Committee, and at the recommendation of the full MAC, SacRT staff propose adding the following prohibition to Title XII to improve customer experience when using SacRT vehicles and facilities:

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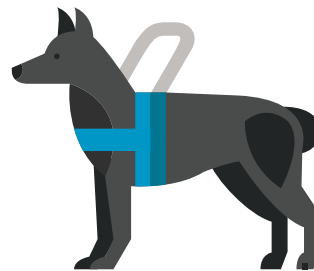
Subject: Mobility Advisory Council Service Animal Ad-Hoc Presentation & Amend and Restate Title XII of Sacramento Regional Transit District Administrative Code Pertaining to the Laws and Rules of Light Rail, Bus Vehicles and Facilities

- Allowing a service animal to block the aisle of the vehicle or occupy a seat; service animals must remain in a sit or down position except when performing a trained task for an individual with a disability.

Staff recommends that the Board amend and restate Title XII of the Administrative Code as depicted Exhibit A of the Resolution.



**All Animals Must be
on Your Lap in a Secure
Enclosed Carrier**



**Guide, Service,
and Signal Animals
Excluded**

**Pets, Emotional Support, Therapy, and Comfort Animals are
NOT ADA SERVICE ANIMALS.**

Service dog fraud is a crime (California Penal Code Section 365.7).

**Report disruptive animals or unsecured pets to SacRT's Security Operations Center
at 916-556-0275 or via the Alert SacRT app.**

Transcript of Proposed Announcement

Please note only ADA service animals are allowed to board without a carrier, emotional support, comfort or therapy animals are not ADA service animals and must remain inside their carrier for the duration of your trip.

RESOLUTION NO. 18-06-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

June 11, 2018

**AMENDING AND RESTATING TITLE XII OF THE SACRAMENTO REGIONAL
TRANSIT DISTRICT ADMINISTRATIVE CODE PERTAINING TO THE RULES FOR
USE OF LIGHT RAIL AND BUS VEHICLES AND FACILITIES**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, Title XII of the Regional Transit Administrative Code Pertaining to the Rules
for Use of Light Rail and Bus Vehicles and Facilities is hereby approved as set forth in
Exhibit A.

THAT, the General Manager/CEO is hereby authorized and directed to enforce rules
set out in Title XII.

PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Cindy Brooks, Assistant Secretary

Exhibit A
TITLE XII OF THE
SACRAMENTO REGIONAL TRANSIT DISTRICT
ADMINISTRATIVE CODE

RULES FOR USE OF LIGHT RAIL AND
BUS VEHICLES AND FACILITIES

12.111 General

Permission to use Sacramento Regional Transit District's (RT) light rail and bus vehicles and facilities is deemed to be conditioned on observance and compliance with these Rules, as amended from time to time, in addition to any other rules and regulations hereafter promulgated by RT pertaining to use of light rail and bus vehicles and facilities. All rights and privileges, expressed or implied, for use of those vehicles and facilities are revocable and cancelable by and upon the breach of these Rules, or of the violation of other applicable federal, state and local laws and ordinances while in or upon those vehicles or facilities.

12.112 Definitions

The terms listed below have the following meanings:

- A. Board – to enter any Vehicle for the purpose of being transported on a fixed route service.
- B. Bus – a motor vehicle operated by RT for the transportation of persons with a minimum capacity of ten people, including the Operator.
- C. Designated Passenger Loading Area – the area within a 7.5- foot radius of the edge of the door opening of a Bus or Light Rail Car.
- D. Electric Personal Assistive Mobility Device – a self-balancing non-tandem two-wheeled device that can turn in place, designed to transport only one person, with an electric propulsion system averaging less than 750 watts (1 horsepower), the maximum speed of which, when powered solely by a propulsion system on a paved level surface, is less than 12.5 miles per hour. The definition includes a Segway®.
- E. Facility – any or all personal and real property, equipment, fixture, rights, structure or interest owned, maintained or operated by RT for the operation of RT's bus and light rail system.
- F. Light Rail or Rail Car – a passenger compartment for public transportation that is operated by RT over fixed rails, with a coupler at either end of the passenger compartment in order to allow one Rail Car to be coupled to another.
- G. RT – the Sacramento Regional Transit District.
- H. RT Agent – a person regularly employed by or under contract with RT that is authorized by the RT General Manager/CEO to enforce these Rules.

- I. Rule – an authoritative, prescribed direction for conduct.
- J. Vehicle – a Bus or Light Rail owned or operated by RT, which is used to transport person on fixed route service.

12.113 Agreement

The use of any Vehicle or Facility constitutes an agreement by the person using the Vehicle or Facility to abide by the conditions set forth in these Rules.

12.114 Rules

The following activities are prohibited on or in: (a) any Vehicle or Facility, because such activities interfere with passengers' privacy and/or with the safe, pleasant, convenient and efficient provision of transit services; or (b) where specifically set out below, the Designated Passenger Loading Area within any Facility, because such activities interfere with safe boarding and alighting of persons into or from a Vehicle:

- A. Placing one's feet on the seat of a Vehicle or placing any article on the seat that would leave grease, oil, paint, dirt, or any other substances on the seat;
- B. Boarding a Vehicle unless the passenger is clothed above and below the waist, including footwear with a sole;
- C. Soliciting money from other persons;
- D. Discarding litter or trash in or upon a Vehicle or Facility unless placed in a trash receptacle;
- E. Posting, distributing or displaying any sign, advertisement, circular, handbill, or other written material;
- F. Exhibiting, offering, or displaying any object or merchandise for sale;
- G. Offering or soliciting the sale or lease of any commercial service;
- H. Performing ceremonies, or making speeches or orations (applies only within the Designated Passenger Loading Area and on Vehicles);
- I. Affixing a sign, placard, notice, declaration or appeal of any kind or description;
- J. Attempting to ride or riding on a Bus with a wheelchair that is capable of being secured by the securement system installed on that Bus without permitting such securement of the wheelchair;
- K. Sleeping on a train that has reached the end of a light rail line;
- L. Playing sound equipment that is audible to other passengers;

- M. Allowing a service animal to block the aisle of the vehicle or occupy a seat; service animals must remain in a sit or down position except when performing a trained task for an individual with a disability; or
- N. Any other conduct that interferes with the safe, pleasant, convenient and efficient provision of transit services.

12.115 Enforcement Procedures

Upon observing an act in violation of Section 12.114, an RT Agent or a peace officer assigned to patrol RT Vehicles and Facilities will request compliance if the violation can be immediately remedied by the person. If the person refuses to comply with the directive of an RT Agent or peace officer, or if the violation cannot be immediately remedied, the RT Agent or peace officer may ask the person to leave RT's Vehicle or Facility. If the person refuses to leave, the RT Agent or peace officer may, pursuant to Civil Code Section 2188, eject the person using as little force as is necessary at the closest established Light Rail Platform or Bus Stop Boarding Area, as directed in a written procedure of the General Manager/CEO.

12.116 Posting/Publication

The General Manager/CEO is hereby authorized and directed to inform passengers of the provisions set out in Section 12.114 through appropriate measures reasonably calculated to inform the public, which may include, in his or her discretion: (a) posting on RT's website; (b) posting in Vehicles and at appropriate RT Facilities; and (c) inclusion in RT's Bus and Light Rail Timetable Book.