



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

Headquarters

East Building, 5<sup>th</sup> Floor – TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

April 2, 2014



Re: FTA Complaint No. 14-0090

Dear 

This letter responds to your complaint against Greater Richmond Transit Company (GRTC) alleging discrimination on the basis of disability. The Federal Transit Administration (FTA) Office of Civil Rights is responsible for ensuring that providers of public transportation are in compliance with the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and the U.S. Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38, and 39. The U.S. Department of Justice referred your complaint to DOT's Departmental Office of Civil Rights, which forwarded it to FTA for appropriate action.

In the FTA complaint investigation process, we analyze allegations for possible ADA deficiencies by the transit provider. If deficiencies are identified, they are presented to the transit provider and assistance is offered to correct them within a predetermined timeframe. If FTA cannot resolve apparent violations of the ADA or the DOT ADA regulations by voluntary means, formal enforcement proceedings may be initiated against the public transportation provider, which may result in the suspension or termination of Federal funds. FTA also may refer the matter to the U.S. Department of Justice for enforcement.

Each response is developed based on the specific facts and circumstances at issue. A determination resulting from a review of these facts is not intended to express an opinion as to the overall ADA compliance of that transit provider.

### **Allegations**

In your complaint you allege that on September 14, 2013, you and your service animal, a diabetic alert dog, attempted to board GRTC bus 114. The bus operator would not allow you to board and requested a special card, stating you needed to produce it in order to ride with your service animal. You told the operator that, according to the ADA, you did not need a special card to ride, at which point the operator ordered you off the bus. When you did not step off of the bus, the operator called her supervisor.

When the supervisor arrived on the scene, he told you to exit the bus; you complied and the operator continued on her route without you. You stated this incident was the third time in recent

days you had been discriminated against by a GRTC operator due to your service dog, but the first time you were forced to vacate the bus and prevented from traveling.

### **Relevant ADA Requirements**

Under the DOT ADA regulations, a service animal is defined 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” (49 CFR §37.3).

A transit agency is required to allow service animals to accompany individuals with disabilities in vehicles as well as in their facilities (49 CFR §37.167(d)). Transit agencies cannot require riders to provide documentation for their service animal, but may ask riders whether animals are service animals and what task(s) they perform.

The DOT ADA regulations also require transit agencies to train all employees to proficiency as appropriate under the ADA. This training requirement applies to both technical tasks and human relations, and requires that every public contact employee understand the necessity of treating individuals with disabilities courteously and respectfully (49 CFR §37.173).

### **GRTC’s Response**

After receiving your complaint, we contacted GRTC for more information and received a response that addressed your allegations. First, GRTC apologized for the treatment you received on and around September 14, 2013. GRTC reported that it investigated the incidents in your complaint and determined proper protocol was not followed. To prevent similar incidents in the future, GRTC has disciplined and retrained individuals involved and implemented new practices and procedures.

The bus operator involved in the September 14 incident and another operator you previously encountered received a written warning and refresher training for not complying with ADA law and for violating company policy. The supervisor on September 14 was also retrained and counseled. He stated that, upon his arrival at the scene, his main concern was to separate you and the bus operator and the other passengers. He knew the passengers were upset and did not want the incident to escalate. GRTC addressed the supervisor’s actions and stated he should have instructed the operator on how to address situations pertaining to service animals and asked whether you felt comfortable continuing on the bus or preferred being driven separately to your destination.

Going beyond the individuals involved in your incidents, GRTC updated the ADA curriculum in its new operator training and refresher courses. Operators are required to attend courses when hired and a refresher course every two years. GRTC also issued a memo to personnel entitled “Tip of the Week – Service Animals” along with the service animal bulletin that was posted as a means to reinforce ADA requirements as they relate to handling customers with service animals. The agency also reports conducting random bus rides with operators, which occur on a regular basis, to ensure all ADA-related rules are followed.

## Conclusion

The treatment you received during the September 14 incident, as described in the complaint, is regrettable and inconsistent with DOT ADA regulatory requirements. GRTC acknowledges the error that day and during another incident. Based upon GRTC's response to your complaint, FTA believes that your concerns have been properly addressed by the transit provider. The multiple actions taken by GRTC should help prevent similar incidents. We are therefore closing your complaint as of the date of this letter and taking no further action.

In the future, if you have any problems traveling with your service animal, we encourage you to promptly contact GRTC and give it an opportunity to resolve the situation. Please contact Amy Nicholas at (202) 366-1344 or via e-mail at [amy.nicholas@dot.gov](mailto:amy.nicholas@dot.gov) with any questions. Any further correspondence should reference FTA Complaint No. 14-0090. Thank you for bringing your concerns to our attention.

Sincerely,



Dawn Sweet  
Acting Team Leader  
Office of Civil Rights

cc: GRTC  
FTA Region 3