City of Las Vegas Meadow City Express
Resolution No. 19-47

A RESOLUTION ESTABLISHING AND ADOPTING A CITY OF LAS VEGAS MEADOW CITY EXPRESS SERVICE ANIMAL POLICY

WHEREAS, the City of Las Vegas Meadow City Express is committed to providing safe, responsible and timely origin-to-destination transit services to the passengers of the Meadow City; and

WHEREAS, the passengers of Meadow City Express are expected to abide by the administrative process set forth by Meadow City Express and in accordance with the Department of Transportation (DOT) Americans with Disabilities Act (ADA) Rules and Regulations to maintain effective and efficient transit services for the community; and

NOW, THEREFORE BE IT RESOLVED THAT the Governing Body of the City of Las Vegas hereby approves the City of Las Vegas Meadow City Express Service Animal Policy and directs distribution to all passengers; and

IT IS FURTHER RESOLVED THAT this Service Animal Policy shall be effective October 30, 2019.

PASSED, APPROVED AND ADOPTED by the City of Las Vegas Governing Body this 16 day of October, 2019.

Tonita Gurule-Giron, Mayor

ATTEST:

Casandra Fresquez by DS
Casandra Fresquez, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Esther Garduno-Montoya, City Attorney

CITY OF LAS VEGAS

MEADOW CITY EXPRESS

RESOLUTION NO. 19-47

SERVICE ANIMAL POLICY

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I. INTRODUCTION

Meadow City Express' mission is to provide safe and responsible transit services to passengers while complying with the Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations under 49 CFR Section 37.3 "service animal". Department of Transportation (DOT) Americans with Disabilities Act (ADA) 49 CFR Section 37.167(d) requires transit entities to permit service animals to accompany individuals with disabilities in vehicles and facilities.

II. PURPOSE

It is the policy of Meadow City Express to abide by the Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations in regards to service animals but also to help distinguish between a service animal, comfort or emotional support animal and a general pet as there are different rules and regulations for them that will need to be enforced. The policy is necessary in order to maintain control on the buses with animals and keep our passengers and drivers safe.

III. APPLICABILITY

This policy applies to all transit system passengers with service animals and pets that will accompany them on the bus.

IV. DEFINITIONS

- *Service animal* - an animal individually trained to work or perform tasks for an individual with a disability.
- *Comfort animal* - provide emotional or comfort, companionship, relieve loneliness, help with depression, anxiety and certain phobias but do not have special training to perform tasks that assist people with disabilities.
- *Pet* - a domestic or tamed animal kept for companionship or pleasure rather than utility.

V. AMERICANS WITH DISABILITIES ACT (ADA) SERVICE ANIMALS REQUIREMENTS

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 CFR Section 37.3, "service animal" is defined as "any guide dog, signal dog, or other animal individually trained to work or perform tasks fir 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, fetching dropped items, or performing special tasks." Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulation 49 CFR Section 37.167(d) requires transit entities to permit service animals to accompany individuals with disabilities in vehicles and facilities.

In accordance with Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations, Meadow City Express may not limit the number of service animals that may accompany a single individual. As long as an animal meets the definition of a service animal and is kept under the control of the rider and shall be properly harnessed whenever possible, a transportation provider may not refuse to carry the animal(s). It is possible that an individual might have more than one service animal that are trained to provide different tasks.

VI. COMFORT ANIMAL REQUIREMENTS

If an animal's only function is to provide emotional support or comfort for the rider, that animal would not fall under the regulatory training-based definition of a service animal. Simply providing comfort is something that animal does passively, by its nature or through the perception of the owner; therefore, under the Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 CFR Section 37.167(d), Meadow City Express is only required to allow service animals to accompany individuals with disabilities in vehicles and facilities.

VII. SERVICE ANIMAL PROOF REQUIREMENTS

Meadow City Express in accordance with Department of Transportation (DOT) Americans Disability Act (ADA) are required to permit service animals to accompany individuals with disabilities in vehicles and facilities; a transit provider may ask if an animal is a service animal or ask what tasks the animal has been trained to perform, but cannot require special ID cards for the animal or ask about the person's disability. A service animal may not be excluded unless the animal is out of control and the animal's owner does not take effective action to control it or the animal poses a direct threat to the health and safety of others.

VIII. PETS ON TRANSIT VEHICLES AND FACILITIES

No person shall bring, carry onto, or convey upon the transit facility, a dog, or other animal, unless it is completely enclosed in a carry case, which can be accommodated in the lap of a passenger with no danger or annoyance to other passengers; This does include comfort and/or emotional support animals. This rule shall not apply to a “service” or “assistance” animal.

PASSED, APPROVED, AND ADOPTED THIS DAY 16 **OF** October, 2019.

Tonita Gurule-Giron, Mayor

Ann Marie Gallegos, Interim City Manager

Attest:

Casandra Fresquez by DS
City Clerk

Approved as to legal sufficiency only:

Esther Garduno-Montoya, City Attorney