

## Public Access Barriers for Guide Dog Teams: Survey Report

### Background

Advocacy has always been at the core of The Seeing Eye's mission to enhance the independence and dignity of people who are blind or low vision by matching them with Seeing Eye® dogs. In 1928, as Morris Frank was matched with Buddy, our co-founder Dorothy Harison Eustis wisely informed Frank that Buddy would do him no good if he couldn't accompany him wherever he needed to go. Prior to the passage of the Americans with Disabilities Act (ADA) in 1990, service animal handlers had limited rights to public access. Morris had to engage in ad hoc advocacy, tackling one barrier at a time. By 1938, near the end of Buddy I's life, Seeing Eye dogs were permitted on the federal railroads and the team had flown on a United Airlines flight.

Through the efforts of Morris Frank and other advocates, guide dogs became a presence in society before the term "service animal" was widely recognized. They are scientifically bred and trained to guide their handlers safely around obstacles, to stop at landmarks, follow their handler's directional cues, and to intelligently disobey a command that would put the team in danger. They wear U-shaped harnesses, and it is generally obvious that they are guiding a blind person.

The passage of federal laws such as the ADA, the Fair Housing Act (FHA), and the Air Carrier Access Act (ACAA) have given people with service animals the right to go virtually everywhere with their dogs. Implementing U.S. regulations have defined service animals as dogs individually trained to perform a task for the benefit of a person with a disability. In Canada, federal and provincial human rights legislation affords people with disabilities access to public places and other settings with their service animals.

A growing understanding of how animals can mitigate the symptoms and manifestations of both visible and invisible disabilities has led to a significant increase in service animals throughout the United States and Canada. Service animals may or may not wear vests or harnesses and may be performing a task that is not obvious to anyone but the handler. Businesses and other public entities have become increasingly confused about what a "real" service animal is. The confusion has been compounded by people who bring their pet dogs into public places that are not trained to perform a task or behave appropriately in those settings. More than half of U.S. states have responded to this problem by passing laws making it a criminal offense to misrepresent a dog as a service animal.

As a result of these developments, The Seeing Eye has been hearing from our constituents anecdotally that barriers to equal access with their Seeing Eye dogs have increased in recent years. The Seeing Eye conducted an online survey of guide dog handlers throughout North America during October and November 2023. In the interest of obtaining a robust sample, the survey was made available to all guide dog handlers in the U.S. and Canada, regardless of where their dog was trained. The survey was broken down topically with questions about access barriers encountered in public places, rideshares, and air travel. More than 500 guide dog handlers responded to the survey.

## What We Learned

We learned that despite the laws that have been in place for many years to give guide and other service dog handlers equal access, those laws are not nuanced enough to keep up with our changing environment. There is an overall lack of understanding among members of the public; business owners and their employees; and public servants about legitimate service animals.

### Access Barriers in Public Places

The survey asked guide dog handlers how frequently they are denied access to businesses and other public places with their dogs.

- 28% of U.S. and 32% of Canadian respondents said they are denied at least sometimes.
- 50% of respondents said they are rarely denied access.
- “Frequent” denials were more common in the South (10%) than any other region of the U.S. and handlers said denials were “rare” (60%) most often in the Western U.S.

We learned that certain misconceptions about what businesses can ask of service animal handlers persist.

- 22% of U.S. respondents and 39% of Canadian respondents have been told their dogs must be wearing a vest to enter public places.

There is no legal requirement in either country that service animals wear specific equipment to demonstrate that they are in fact service animals. Some service animals do NOT require equipment in order to perform their task.

The number of respondents who have been told they must show ID to enter a business was high.

- 54% of U.S. respondents and 76% of Canadian respondents have been told they must show ID to enter a business.

ADA regulations make clear that it is illegal in the U.S. to require that people with service animals show ID to enter a business. Although some Canadian provinces issue government IDs for service animals and while businesses can ask for them, they are not allowed to condition entry into the business on producing the ID if there are other ways to show that the dog is a service animal.

- Over 50% of respondents in both countries were told they could not enter with their dogs because other people accessing the business could have allergies, which is illegal in both the U.S. and Canada.
- Almost 50% of U.S. respondents and over 33% of Canadian respondents have been told at restaurants that they could only sit outside or far from other patrons with their dogs, even though laws in both countries make it illegal to segregate or isolate patrons due to the presence of a service animal. This response was far more common in the Western U.S. (63%).
- It is illegal in both countries to charge fees or deposits due to the presence of a service animal, however, 37% of U.S. respondents and 48% of Canadians experienced this in settings such as hotels.

Unfortunately, access barriers are not just denials of entry or unequal access to goods and services. Access barriers are now created by people with poorly controlled dogs that are not service animals.

- Approximately 75% of both U.S. and Canadian respondents reported that within the past 5 years, they have been prevented from safely working with their guide dogs inside businesses and other public places due to an increase in poorly behaved dogs.

### **Rideshare Denials and Unequal Treatment**

Although rideshare drivers use their private cars when working for companies like Uber and Lyft, they have opened their vehicles to the public and are covered by the ADA and company nondiscrimination policies requiring them to transport people with service animals.

### **Rate and Nature of Denials**

- Over 75% of respondents in the U.S. and Canada said they use rideshares to get around with their guide dogs.
- Approximately 80% of respondents who are rideshare users in the U.S. and Canada have experienced a denial of service due to the presence of their guide dogs at some point.
- Approximately 40% of respondents who are rideshare users in both countries are denied at least 25% of the time.
- Approximately 80% of respondents have had their drivers deny rides by communicating verbally that they will not take the dog, even after they know it is a service animal. Drivers in the Midwestern U.S. were most likely to at least communicate with the handler about the denial (88%)
- 80% of respondents have also had drivers drive away and cancel the ride without communicating with them at all. These types of denials were more common in the Northeastern U.S. (87%).

### **Handler Experiences and Response**

- More than 50% of U.S. respondents said they sometimes decide not to bring their guide dogs with them because of their experiences with being denied rides.
- More than 50% of respondents had drivers who accepted the ride but complained about having to transport the dog throughout the trip. Some guide dog handlers were charged cleaning fees or received bad ratings. The majority fight back by filing discrimination complaints against the drivers with the rideshare company.
- The good news is that over 90% of respondents reported having experiences with courteous drivers who provided a great service. Notably, 95% of respondents who live in the Northeastern U.S. reported experiences with courteous drivers (the highest rated region), despite drivers in the Northeast being the least likely to communicate verbally when they deny rides.

At least one respondent offered the reminder that handlers also have a responsibility to treat rideshare drivers and their property with respect. "I think handlers should express respect while educating ... letting them know that I appreciate the ride and show respect by ensuring the dog does not climb on seats, is very clean and does not smell and offer a reasonable tip ... I know I have rights to access but I also know that where I access is not my property and is shared by many. Respecting that, and demonstrating it reassures the driver, that they matter too."

### **Air Travel**

Guide dogs have been flying with their handlers for almost 90 years, and they did so with relatively little hassle until the U.S. Department of Transportation issued regulations in 2020, making it more difficult to fly with a service animal. The impetus for the new regulations was the increase in people trying to pass off their poorly behaved pets as service animals. Prior to 2020, the Air Carrier Access Act (ACAA)

definition of service animal included emotional support animals that did not have to be dogs and did not have to be trained to perform a task.

The new regulations aligned the definition of service animal with the ADA definition, meaning that a service animal must be a dog trained to perform a task for an accompanying air traveler with a disability in order to fly. This came as a relief to many service animal handlers who had experienced alarming encounters with poorly behaved animals at the airport, but the regulations did not stop there. Airlines are now allowed to require all service animal handlers to complete a form up to 48 hours before flying (assuming the reservation was made that far in advance) attesting to their dog's health, training, and behavior.

Airlines are required to use a standard form available in fillable PDF format accessible to people who use screen readers, but airlines are given wide latitude in the user interfaces they use for receiving the form and tying it to the reservation. Furthermore, although the form supposedly meets basic accessibility guidelines, it does not work reliably on some operating systems with older screen readers and is not compatible with mobile devices.

- About 63 % of U.S. respondents and 45 % of Canadian respondents said they travel by air at least once per year.
- 62% of U.S. respondents have had problems completing the forms due to inaccessibility or a lack of technology.
- 46% of Canadian respondents encounter obstacles related to forms. Canadian air travel regulations have also become stricter, and many Canadians fly in and out of the U.S., which may explain the high percentage.

People with guide dogs who simply do not have technology or sighted assistance to complete the forms must rely on asking airline employees at the airport to make accommodations by assisting with the forms so they can fly, but that assistance is not guaranteed.

While guide dog handlers figure out how to navigate new access barriers during air travel, old ones persist. Transportation Security Administration (TSA) regulations for screening service animals have not changed recently, but guide dog handlers still regularly encounter officers who are not informed about how to appropriately screen a service dog team.

- Over 50% of respondents have been required by TSA to be separated from their guide dog during screening or to remove equipment from their dog that is necessary for the dog to work, such as the leash, harness, or collar even though these demands go against TSA protocol for screening service animals.
- At least 25% of respondents said they simply comply with what is being asked of them to get through screening.
- Over 40% do challenge the TSA agent and ask for a supervisor.

### **Emotional Impact of Access Barriers**

The survey gave respondents the opportunity to make open-ended comments about the access barriers they experience while working with their dogs, and some took the opportunity to articulate the emotional toll these challenges take even if no denial of service occurs.

One respondent commented, “Just because I did manage to get onto flights where an attempt was made to deny me service doesn’t negate the impact of the experience .... If someone challenges my entering a facility and I simply continue walking it doesn’t mean they didn’t try to deny me access. Unsuccessful denial attempts don’t keep it from happening the next time and do have a chilling effect on my interest in returning to those facilities or can make me exceedingly uncomfortable the next time I need to go there. ... I have worried a lot more about how I will deal with denial attempts. I use ride-share less frequently than I might simply because there are times I just don’t feel up to a fight.”

The survey did not ask about the impact of access barriers on family members of guide dog handlers, but one respondent said, “The rideshare issue is my biggest concern. It is scary, inconvenient, and unpredictable, especially with children with me. They feel shame when with me now and beg me not to call a car.”

### Guide Dog Handlers Will Keep Advocating

Despite access barriers, handlers still prefer the guide dog lifestyle.

- About 50% of respondents said access barriers have no significant impact on them or their work with their dogs.
- Only 5% of U.S. survey respondents and less than 1% of Canadians said access barriers have caused them to seriously consider not working with a successor guide dog.

The majority of respondents said they deal with access denials by educating the entity about their rights or going up the chain of command. Some respondents commented that their dogs have been well-received everywhere and that they have never been denied access. Others commented that a confident and calm demeanor goes a long way toward moving smoothly through potentially difficult encounters.

## Conclusion

The survey results have shown us that access barriers are influenced by factors like changes in how people travel and laws that miss the mark when attempting to crack down on fraudulent service animals. Work needs to be done to reduce these access barriers and increase awareness among the public, businesses and employees, legislators, law enforcement and other public officials.

Guide dog schools, handlers, and their allies can lead this effort, but the greatest challenge will be ensuring that those efforts are impactful and well-targeted. Collaboration between stakeholders and state and federal legislators to improve and clarify existing laws is essential to safeguarding the rights and safety of service animal handlers.

Both full-scale educational campaigns and grass roots efforts are equally important. Individual advocates can make a difference by distributing educational materials in their communities and through social media platforms. Educators, businesses and service organizations can invite stakeholders to give presentations to their constituents, with opportunities for dialogue and respectful listening between advocates and the community.

At The Seeing Eye, education and advocacy for the rights of guide dog handlers has been an integral part of our core goals since Morris Frank returned from Switzerland with Buddy I in 1928. A media alert invited members of the media to a demonstration of Buddy’s training, and it is documented that reporters and pedestrians looked on in awe as the team safely crossed one of the most dangerous streets in Manhattan at the time. In 2024, as The Seeing Eye celebrates its 95<sup>th</sup> anniversary, a new

Advocacy and Government Relations department was established to expand ongoing advocacy efforts and allow members of our staff to dedicate their full attention to continuing this vital work. In the spirit of partnership, we ask that you reach out to us and share your stories, both the successes and challenges of guide dog partnership and accommodation, so that we may collaborate, educate, and stay on the cutting edge of this issue.

Visit our Advocacy center at [www.seeingeye.org/advocacy](http://www.seeingeye.org/advocacy) for more about guide dog handlers' rights and to download The Seeing Eye Advocacy App for Apple and Android devices, which contains federal, state, and provincial laws and regulations in the United States and Canada and other educational materials.