



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

December 23, 2016

Ms. Blane Workie
Assistant General Counsel
Office of Aviation Enforcement and Proceedings
U.S. Department of Transportation
1200 New Jersey Ave., SE, Room W96-322
Washington, DC 20590

Dear Ms. Workie,

The undersigned organizational members of the Consortium for Citizens with Disabilities (CCD) Rights and Transportation Task Forces and allied disability advocacy partners wish to express our views regarding the U.S. Department of Transportation's (DOT) efforts to amend regulations governing the definition of a service animal for purposes of the Air Carrier Access Act (ACAA). CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Without the ability to travel, people with disabilities who use service animals, including emotional support animals, may be unable to work, receive needed health care, or travel for pleasure like other Americans. Service animals are as important to people who rely on them to accommodate their disabilities as are wheelchairs to people who rely on them to get around.

DOT's Accessible Air Transportation (ACCESS) Advisory Committee was charged with negotiating in good faith on whether to amend the definition of a service animal under the ACAA. Although stakeholders worked in good faith to develop a consensus document that would address the concerns passengers with disabilities and air carriers have regarding access for service animals, an impasse during the negotiations process prevented further action. As DOT has committed to move forward in promulgating a proposed rule on this issue, we believe that DOT must consider the following principles when developing its rule:

- Air carriers must permit passengers with disabilities who use service animals, including emotional support animals, to travel with those animals without encountering barriers to access. A requirement to notify an air carrier in advance that a passenger with a disability intends to travel with a service animal, including an emotional support animal, is an inappropriate barrier to access. Passengers with disabilities should be permitted to alert airlines at any time that they are traveling with a service animal, including an emotional

support animal. Failure to disclose this information in advance of showing up at the airport gate must not be grounds to prohibit people with disabilities from accessing air travel.

- Air carriers must treat all service animals, including emotional support animals, equally. Specifically, air carriers must not be allowed to require third-party documentation or other advance notifications for psychiatric service animals and emotional support animals that are not required for service animals assisting passengers with other types of disabilities.
- Service animals, including emotional support animals, must be required to behave appropriately to accompany a passenger with a disability on an airplane. The only true difference between service and emotional support animals is that service animals are specifically trained to do a task that mitigates the effects of a disability while emotional support animals mitigate a disability by their very presence.
- Allowable species of service animals, including emotional support animals, must not be unjustly limited. However, some additional limitations beyond those currently allowed would be appropriate. Any limitations must preserve access for all species and sizes of dogs, cats, rabbits, miniature horses, capuchin monkeys, and other species that can be trained to behave appropriately and be safely brought on airplanes.
- Air carriers and their contractors must train their employees in how to interact with people with disabilities, including those who use service animals and emotional support animals, and how to observe animal behavior at the airport. Specifically, these personnel, including reservation agents, ticket counter agents, gate agents, and flight attendants must be trained to know the rules governing service animals and how to interact with these passengers. Passengers who use service animals, including emotional support animals, must not be harassed regarding the nature of their animal in any way that unnecessarily questions the legitimacy of the animal. In addition, air carrier personnel must be trained on how to interact with passengers with disabilities to ensure that misbehaving animals, whether legitimate service animals or not, are either brought under control or in the alternative not allowed to travel at that time.

We appreciate your consideration of our concerns and hope that you will ensure that the civil rights of all service animal users are preserved and strengthened through DOT's proposed rule.

Sincerely,

American Association on Health and Disability

American Foundation for the Blind

The Arc of the United States

Association of University Centers on Disabilities

Autistic Self Advocacy Network

Bazelon Center for Mental Health Law

Disability Rights Education and Defense Fund

Easterseals

Epilepsy Foundation

Jewish Federations of North America

National Alliance on Mental Illness

National Council on Independent Living

National Disability Rights Network

National Multiple Sclerosis Society

Paralyzed Veterans of America

Parent to Parent USA

United Spinal Association

Lakeshore Foundation (ally of CCD)