

Issue List	Air Carrier Access Act (ACAA) and 14 CFR Part 382	DOJ interpretation of Americans With Disabilities Act (ADA) http://www.ada.gov/service_animals_2010.htm	FRA interpretation of Americans With Disabilities Act (ADA) 49 CFR 37.3	FTA’s interpretation of Americans with Disabilities Act (ADA) 49 CFR 37.3, 37.167(d) https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FTA_ADA_Circular_C_4710.1.pdf
	Current Definition: <u>Any animal</u> that is individually trained or able to provide assistance to a qualified person with a disability; or any animal shown by documentation to be necessary for the emotional well-being of a passenger.	Current Definition: Dogs and miniature horses that are individually trained to do work or perform tasks for people with disabilities.	Current Definition: Service animal means 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.	Current Definition : [A]ny 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.
Should disability mitigation training for the animal be required as a condition of access?	Trained or, in certain cases, untrained animals may qualify as service animals.	Only trained animals qualify as service animals. Formal training (e.g., school for service animals) is not required.	Animals must be trained to perform some task or function—conductors usually accept the animal if the individual says it’s a service animal. Formal	Service animals are animals that are “individually trained to work or perform tasks.” This training can be by an organization or by an

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			training (e.g., school for service animals) is not required.	individual, including the individual with a disability.
Should public access training for the animal be required as a condition of access?	All service animals must be trained to behave appropriately in a public setting.	Dogs must be housebroken.	The expectation is that all service animals must be trained to behave appropriately in a public setting.	The expectation is that all service animals must be trained to behave appropriately in a public setting.
Should the rule distinguish between psychiatric service animals and other service animals? If so, what are the practical implications of that distinction?	Psychiatric service animals are recognized as service animals, but are considered to be emotional support animals and, therefore, subject to the applicable regulatory requirements, i.e. documentation.	Psychiatric service animals are recognized as service animals.	Psychiatric service animals are recognized as service animals.	Psychiatric service animals are recognized as service animals if they are trained to perform a task.
Should the rule preserve a distinct emotional support animal category? If so, what are the practical implications of that distinction?	Emotional support animals are recognized as service animals.	Emotional support animals are not recognized as service animals.	Emotional support animals are not recognized as service animals.	Emotional support animals are not recognized as service animals.
Should the rule designate eligible species and, if so, what species should be allowed?	U.S. carriers are required to transport <u>all service animals</u> except certain unusual animals (e.g., snakes, other reptiles, ferrets, rodents, and spiders).	Only dogs and in certain cases miniature horses are considered service animals.	All animals except primates and exotic animals (.e.g. snakes, reptiles).	All animals per the DOT definition. However, FTA has not opined formally on primates and exotic animals in its oversight. Through technical assistance, we have

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	Foreign air carriers are not required to transport service animals other than dogs.			provided guidance consistent with FRA’s approach.
Should the rule allow carriers to require documentation and, if so, what documentation and under what circumstances?	<p>Carriers may require documentation that the animal will not need to relieve itself during the expected duration of the flight or that the animal can relieve itself in a way that does not create a health or sanitation issue on the flight.</p> <p>Also, except for emotional support or psychiatric service animals, carriers may not require passengers to produce documentation that an animal is a service animal unless verbal assurances of the passenger are not credible.</p>	Entities cannot require or request documentation as evidence that an animal is a service animal.	No documentation requirement to prove that an animal is a service animal.	Transit agencies cannot have a policy requiring riders to provide documentation for their service animal before boarding a bus or train or entering a facility
What requirements should the rule impose to prevent fraud in the documentation process?	DOT suggests five steps to determine whether an animal is a service animal or pet – (1) obtain credible verbal assurance; (2) look for	When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the	When conductor needs to verify that an animal is a service animal, he or she may ask the following: Is this your pet? What service is the animal	Personnel may ask riders two questions: (1) is the animal a service animal required because of a disability? and (2) what work or task has the

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	<p>physical indicators on the animal (e.g., harnesses, vests); (3) request documentation for service animals if passenger’s verbal assurance is not credible; (4) request documentation for emotional support and psychiatric service animals; and (5) observe behavior of animal.</p> <p>To obtain credible verbal assurances carriers are permitted to ask the following: Is this your pet? What tasks or functions does your animal perform for you?" "What has it been trained to do for you?" "Would you describe how the animal performs this task (or function) for you?" Carriers cannot ask about the person’s disability.</p>	<p>dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.</p>	<p>trained to provide?</p>	<p>animal been trained to perform?</p>
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<p>Should permissible documentation requirements differ according to the disability of the passenger?</p>	<p>If a passenger seeks to travel with an animal that is used as an emotional support or psychiatric service animal, carriers are not required to accept the animal for transportation in the cabin unless the passenger provides you current documentation (i.e., no older than one year from the date of the passenger's scheduled initial flight) on the letterhead of a licensed mental health professional (e.g., psychiatrist, psychologist, licensed clinical social worker including a medical doctor specifically treating the passenger's mental or emotional disability) stating the following:</p> <p>(1) The passenger has a mental or emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders--</p>	<p>Entities cannot require or request documentation as evidence that an animal is a service animal.</p>	<p>No documentation requirement to prove that an animal is a service animal.</p>	<p>Transit agencies cannot have a policy requiring riders to provide documentation for their service animal before boarding a bus or train or entering a facility</p>
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	<p>Fourth Edition (DSM IV);</p> <p>(2) The passenger needs the emotional support or psychiatric service animal as an accommodation for air travel and/or for activity at the passenger's destination;</p> <p>(3) The individual providing the assessment is a licensed mental health professional, and the passenger is under his or her professional care; and</p> <p>(4) The date and type of the mental health professional's license and the state or other jurisdiction in which it was issued.</p>			
<p>Under what circumstances, if any, should the rule allow the carrier to require advance notice of a passenger's</p>	<p>On a flight segment scheduled to take 8 hours or more, carriers may require individuals traveling with all service animals to provide 48 hours advance notice,</p>	<p>Establishments may not require dog handlers to provide advance notice.</p>	<p>Conductors cannot require individuals with disabilities to provide advanced notice—but it's encouraged.</p>	<p>Bus operators and rail systems may not require advance notice. However, complementary paratransit or other demand responsive</p>

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<p>intention to travel with a service animal? How much notice, if any, may be required?</p>	<p>and check in 1 hour before the normal check in time for the general public.</p> <p>Regardless of the length of the flight, carriers may require individuals traveling with an emotional support or psychiatric service animal to provide 48 hours advance notice, and check in 1 hour before the normal check in time for the general public.</p>			<p>services that operate with small vehicles (e.g., sedans), ask riders for notification of their intent to ride with a service animal in order to help ensure adequate space is available for the animal.</p>
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<p>Should the rule offer additional guidance given as to how to assess the animal's behavior?</p>	<p>Carriers must determine whether any factors preclude whether an animal can travel in the cabin as service animals (e.g., <u>whether the animal would pose a direct threat to the health or safety of others, whether it would cause a significant disruption of cabin service.</u></p>	<p>The dog must be in the handler's control and the handler must take effective action to control it.</p>		<p>Transit agencies 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 the rider's control. For example, a rider with a service dog is responsible for ensuring the dog does not bite the driver or other riders. Conversely, a dog that barks occasionally would likely not be considered out of the owner's control.</p>
<p>Under what circumstances, if any, should the rule allow a carrier to require that the service animal be controlled by a tether or harness?</p>	<p>Service animals (including emotional support and psychiatric service animals) are not required to be harnessed, leashed or tethered.</p>	<p>Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.</p>	<p>Guidance: There is a leash/tether requirement in a guidance document.</p>	<p>There is no harness requirement in the rule, but FTA has provided guidance similar to DOJ's position: service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal</p>

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				through voice, signal, or other effective controls.
Should the rule allow airlines to deny passengers boarding if their animal is ineligible?	Part 382 does not permit carriers to deny a passenger boarding because his or her carrier service animals was denied transportation. However, oftentimes a passenger will refuse to fly if their service animal is denied transportation.	An individual is not denied access if their service animal is denied access.	An individual is not denied access if their service animal is denied access.	An individual is not denied access if their service animal is denied access.
Should the rule specify procedures for challenging eligibility determinations by the airline, and if so, what should they be?				
Should the rule specify a limit on the number of service animals that may be brought on board by any passenger? And Should the rule specify a limit on the total number of animals that may travel as service animals on a given	While the ACAA rule does not impose a limit on the number of service animals per passenger, as a matter of enforcement policy, the Department’s Aviation Enforcement Office has stated that it would not take action against carriers that choose to limit the number of service			Section 37.167(d) does not prescribe limits on the number of service animals that accompany riders on a single trip. Different service animals may provide different services to a rider during trips or at the rider’s destination.

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flight?	animals per passenger to three.			
<p>Under what circumstances, if any, should the rule include within the definition of “service animal” an animal training to be a service animal, that is traveling with an individual with a disability? And should the rule require access for service animals that are being transported by an individual with a disability solely for the purpose of delivering the animal to another person with a disability?</p>	<p>Part 382 requires airlines to allow service animals to accompany their handlers in the cabin of the aircraft, but airlines are not required otherwise to carry animals of any kind either in the cabin or in the cargo hold.</p> <p>Airlines are free to adopt any policy they choose regarding the carriage of pets and other animals provided that they comply with other applicable requirements (e.g., the Animal Welfare Act). Although "service animals in training" are not pets, the ACAA does not include them, because "in training" status indicates that they do not yet meet the legal definition of service animal. However, like pet policies, airline policies regarding service animals in training vary. Some airlines permit</p>			

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	<p>qualified trainers to bring service animals in training aboard an aircraft for training purposes. Trainers of service animals should consult with airlines, and become familiar with their policies. Service animal users typically refer to the person who accompanies the animal as the "handler."</p>			
<p>How should the rule address the (possibly conflicting) (a) service animal requirements and/or (b) animal quarantine requirements of jurisdictions outside Continental US?</p>	<p>Airlines must promptly take all steps necessary to comply with foreign regulations (e.g., animal health regulations) needed to permit the legal transportation of a passenger's service animal from the U.S. into a foreign airport.</p>	N/A	N/A	N/A
<p>Should the rule no longer hold US carriers responsible when its foreign code-share partners deny transportation to animals that are not service dogs?</p>	<p>US airline codeshare partners may be held responsible when its foreign code-share partner denies transportation to an animal other than a service dog.</p>	N/A	N/A	N/A