

Navigating Airports with Service Animals



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

Office Of Civil Rights

ACHIEVING SAFETY
THROUGH DIVERSITY

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FAA Requirements

- Introduction
- Relevant Statutes and Regulations
- Reasonable Modification Requirements
- Service Animal Requirements
 - Facilities under Airport Authority Control
 - Ground Transportation at Airport
 - Enforcement
 - Reconciling Different Legal Authorities



General Requirements

Relevant Statutes and Regulations

- Airport facilities, tenants, and services are under several statutory authorities:
 - Americans with Disabilities Act (ADA)
 - Sec. 504 of the Rehabilitation Act
 - Air Carrier Access Act (ACAA)
- Various implementing regulations
 - ADA: 28 CFR Parts 35, 36; 49 CFR Parts 37, 38
 - Sec. 504: 49 CFR Part 27
 - ACAA: 14 CFR Part 382



General Requirements

Relevant Statues and Regulations (cont.)

- Service animal regulations change within the airport:
 - Ground transportation at airport: 49 CFR Part 37
 - Airport facility under airport authority control: 49 CFR Part 27; 28 CFR Part 35
 - Airport facility under airport authority and airline control: 49 CFR Part 27, 28 CFR Part 35, 14 CFR Part 382



General Requirements

Relevant Statutes and Regulations (cont.)

- Enforcement agencies change within the airport:
 - Public ground transportation: FAA, Federal Transit Admin.
 - Private ground transportation: FAA, DOJ
 - Airport facility and services under airport authority control: FAA
 - Passing through airport security: TSA
 - Facilities and services under airline control: Aviation Consumer Protection Div. (ACPD)



General Requirements

Reasonable Modifications

- Reasonable modifications are required for people with disabilities, except in cases of:
 - Undue burden
 - Fundamental alteration
 - Direct threat
- Reasonable modification is in addition to other obligations
- Contracts and airport policies set obligations
 - How to receive requests
 - How to respond to requests
 - FAA requires processes, not particular outcome
- General requirement under ADA



Areas under Airport Authority Control

Rules for Airport Facility

- Required Service animals:
 - Dogs
 - Miniature horses where appropriate for facility
- Service animals must be trained to perform a task
 - Service animals must assist with a disability
 - Security animals are not service animals
 - Emotional support animals are not service animals



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Areas under Airport Authority Control

Rules for Airport Facility (cont.)

- Entities must generally allow service animals, except in the following instances:
 - Fundamental alteration
 - Direct threat
 - Animal is out of control / not housebroken



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Areas under Airport Authority Control

Rules for Ground Transportation at Airport

- All rules from airport facility apply
- In addition:
 - No automatic restrictions on types of animals permitted
 - Complementary paratransit services may require notice
 - Animals should not obstruct aisles



Areas under Airport Authority Control Enforcement

- Permitted questions:
 1. Is that a service animal that is required because of a disability?
 - Do not ask for personal information
 - Do not challenge the person
 2. What task/work has it been trained to perform?
 - Do not ask for certificates
 - Do not ask about how the animal was trained



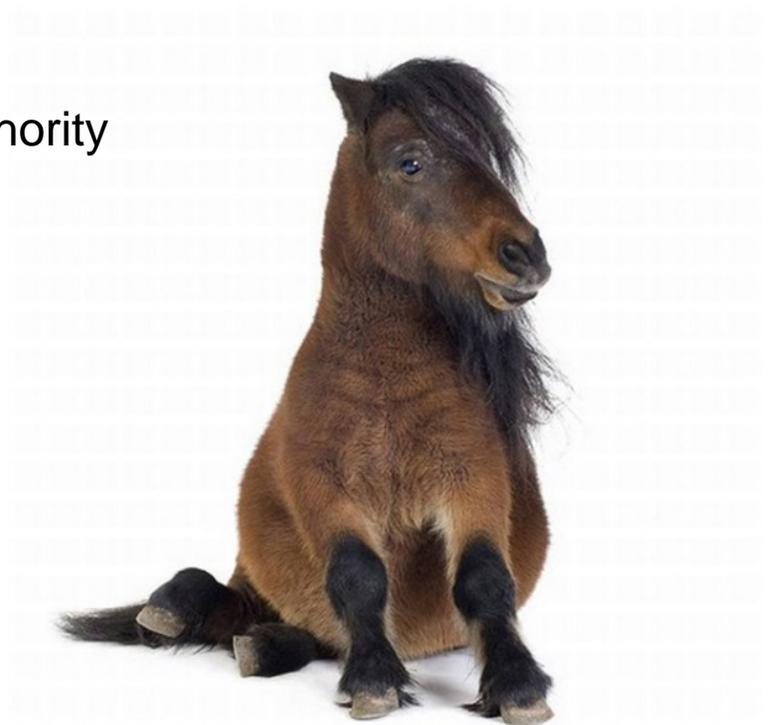
Areas under Airport Authority Control Enforcement

- More permissive standards for ground transportation
- No additional restrictions are permitted
 - No written documentation is required
 - No dog breed or size restrictions
 - Fundamental alternations



Areas under Airport Authority Control Enforcement

- Other employees' and passengers' rights (allergies)
- Entities should document denials
 - Utilize technology
 - Tenants must report issues to airport authority





Reconciling Different Legal Authorities

- Following the most permissive standard is the best practice
 - Passengers have to pass through airport facility
 - No clear regulations or guidance except ACAA Preamble
 - May advise passengers of other more restrictive standards
- Defer to airline and ground transportation standards
 - Allow emotional support animals and unusual animals outside carriers
 - Past decisions require deference
 - Airline enforcement



Reconciling Different Legal Authorities

- Strictly enforce other requirements
 - Under control / house broken
 - No direct threat
 - No fundamental alteration
- Lease agreements and service contracts
 - Set expectations
 - Contracts can go beyond legal minimum
 - Creating uniform environment



What's New?

- Service Animal Relief Areas
 - Work with service animal training organizations
 - One per terminal
 - Post-security
 - Due Aug. 4, 2016
- Signage and wayfinding assistance
- TSA and Service Animals
 - TSA must screen animals traveling in the airplane cabin
 - Screening at the airport security checkpoint



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