



March 3, 2020

The Honorable Elaine Chao
Secretary
United States Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

RE: Docket number DOT-OST-2018-0068

Dear Madam Secretary:

The National Federation of the Blind, in conjunction with its special interest division, the National Association of Guide Dog Users, appreciates the opportunity to comment on the notice of proposed rulemaking concerning service animals in air travel. Founded in 1940, the National Federation of the Blind is America's premier civil rights organization of the blind. We have worked to seek a resolution to the issues addressed in the Department of Transportation's ("the Department") notice of proposed rulemaking (NPRM). Specifically, we have facilitated a multitude of discussions with many of the major airlines in order to share our mutual concerns and better understand each other's individual perspectives. Furthermore, we are committed to creating rules that balance these interests.

We commend the Department for amending 14 CFR 382.3 to define a service animal as "a dog that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability." We also appreciate the Department for affirming the value of credible verbal assurance (14 CFR § 382.74(a)) and for providing regulations concerning the proper behavior of service animals while explicitly articulating the airline's authority to deny carriage to a dog that is out-of-control or misbehaving (14 CFR § 382.74(b)). However, some of the regulations proposed by the NPRM codify the type of discrimination this Act was intended to eliminate.

14 CFR § 382.75(a) allows airlines to require, as a condition of travel, 1) a current completed copy of the US Department of Transportation Air Transportation Service Animal Health Form; and 2) a completed copy of the US Department of Transportation Air Transportation Service Animal Behavior and Training Attestation Form. For flight segments of eight hours or more, 14 CFR § 382.75(b) provides that airlines may require disabled passengers with service animals to "confirm that the animal will not need to relieve itself on the flight or that the animal can relieve itself in a way that does not create a health or sanitation issue on the flight by providing a DOT Service Animal Relief Attestation Form." The National Federation of the Blind opposes mandatory documentation forms, including those pertaining to service animal health, service animal relief attestations, and behavior and training. Such documentation requirements prohibit spontaneous or emergency travel such as visiting a dying relative, attending an urgent business meeting, or taking an impromptu trip. Consequently, the obligation to complete multiple forms imposes financial and exhaustive burdens on those wishing to travel with a service animal. At least one of the required documents must be completed by a veterinarian and submitted annually. Furthermore, the regulations should allow airline personnel to verify up-to-date vaccinations by examining a service animal's license tag. An airline could then be allowed to request documentation only if the issued vaccination tag is expired or absent.

The National Federation of the Blind opposes the requirement that service animal handlers must sign an attestation that their dogs are trained service animals and will behave properly (14 CFR § 382.75(b)). When airport employees observe a guide dog team walking through the airport and approaching the various checkpoints, it is evident that the dog is trained to guide a blind person. Other service animals, such as those trained to pull a wheelchair, are also observable and readily apparent; however, it is not always possible to observe that a dog is trained to perform tasks or do work. For these reasons, we propose the Department allow the airlines to require an attestation only if the dog is not observed doing work and its user cannot give credible verbal assurance of the dog's training, work, or tasks. Furthermore, we believe the Department should clearly assert that vests, harnesses, or similar gear in nature should not be considered de facto evidence of a dog's training or behavior.

According to 14 CFR § 382.76, airlines may "require a passenger with a disability to check-in at the airport one hour before the check-in time at the airport for the general public as a condition of travel with a service animal to allow time to process the service animal documentation and observe the animal." The National Federation of the Blind strongly opposes this rule. More often than not, a service animal's tasks and temperament are best observed while in applicable situations. For example, airline personnel currently have sufficient opportunity to note how the service animal and its handler act as they arrive at curbside, navigate through the security checkpoint, travel through the airport, and approach the gate for boarding. Airlines should not have the authority to call for service animal handlers to check in one hour earlier than other passengers. This is discriminatory.

As it pertains to the carriage of large service animals found in 14 CFR § 382.77, fitting a service animal in a compact space is not a new experience. It is important to note that those of us who use larger service dogs are accustomed to positioning our dogs in compact, relatively inconspicuous places, such as under restaurant tables, on the floors of taxicabs, and under the seats of buses. Additionally, arbitrary size restrictions impose limitations on which breeds are utilized for service animals. The National Federation of the Blind believes that any regulatory language concerning size restrictions must include an assessment based upon observable, demonstrative evidence rather than an arbitrary, subjective opinion.

Thank you again for considering our comments, and we are happy to provide any additional clarification should it be needed.

Sincerely,

A handwritten signature in black ink that reads "Mark A. Riccobono". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Mark A. Riccobono, President
National Federation of the Blind