

**Association for Airline Passenger Rights (AAPR)**  
**1501 M Street, NW – 7<sup>th</sup> Floor**  
**Washington, DC 20005**

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November 23, 2009

Docket Management Facility:  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
West Building Ground Floor, Room W12-140  
Washington, DC 20590-0001

**RE: Agency name: Office of the Secretary, DOT**  
**Docket number: OST-2009-0093**

To Whom It May Concern,

On behalf of the Association for Airline Passenger Rights (AAPR) and its board of directors, please find our organization's comments in response to the recent changes to the Air Carriers Access Act (14 CFR Part 382) impacting people with disabilities using psychiatric service animals (Section 382.117(e) of the revised Part 382). AAPR supports the petition by the advocacy group representing users of psychiatric service dogs, Psychiatric Service Dog Society, requesting that the U.S Department of Transportation (DOT) eliminate the provision of the ACAA regulation permitting air carriers to require documentation and 48 hours' advance notice for users of psychiatric service animals.

AAPR is a national, nonprofit association committed to educating policymakers on travel-related information important to airline passengers, improving accessibility for passengers with disabilities and protecting the consumer rights and responsibilities of airline passengers. Our mission is to promote fairer customer service and accessibility standards in the airline industry and to improve passenger satisfaction.

Overall, AAPR supports the efforts by DOT to make air travel more accessible for people with disabilities, especially with the recent improvements to ACAA that went into effect on May 13, 2009. Unfortunately, DOT's new rules [Sections 382.117(e) & 382.27(c)(8)] violate the legislative intent of the law (49 U.S.C. 41705), which provides that no air carrier may discriminate against any otherwise qualified individual with a disability, by reason of such disability, in the provision of air transportation. AAPR believes that the revised regulations governing psychiatric service animals unfairly discriminate against people with psychiatric disabilities.

Most psychiatric disabilities – including Post Traumatic Stress Disorder (PTSD) – are by their very nature a hidden disability, unlike more apparent physical disabilities that can be seen with the naked eye. The requirements spelled out in Section 382.117(e) are more rigorous for people with hidden disabilities versus people with physical disabilities, thereby treating one class of disabled passengers differently than other classes of disabled passengers, as well as their non-disabled counterparts. The requirement imposes on passengers with psychiatric disabilities new time restrictions, added expenses and potentially embarrassing situations with airport and airline staff that forces them to reveal the nature of their hidden disability – which also raises significant concerns over privacy.

Furthermore, since no data exists to document that a problem exists whereby passengers without disabilities are trying to "pass off pets as service animals, especially as it may relate to ESAs and PSAs", DOT's requirement is punishing the very passengers that it is intended to protect under the law. It appears that the more prudent approach would involve DOT working with the airlines – and advocacy groups – on data collection to ascertain whether widespread misuse and violations of the protections by non-disabled passengers exists before imposing an added barrier to passengers needing psychiatric service animals.

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The Air Carrier Access Act of 1986 (ACAA) prohibits domestic air carriers from discriminating against persons with disabilities in the provision of air transport. **The law states that persons with disabilities will have access to all services, goods and information that they provide to any other passenger as part of their normal operating practices and forbids air carriers from treating passengers with disabilities any differently than other passengers except in making the necessary accommodations.** Therefore, AAPR encourages DOT to rescind the new restrictions placed upon passengers with psychiatric service animals.

Sincerely,

A handwritten signature in black ink that reads 'Brandon M. Macsata'.

Brandon M. Macsata  
Executive Director

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