



Alaska Department of Transportation & Public Facilities

Service Animals – A Basic Understanding

Civil Rights Office



ADA Definition

A Service Animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability.

42 U.S.C. § 35.104



ADA & Miniature Horses

Miniature Horses are not included in the ADA definition of a Service Animal. However, there is an exception for Miniature Horses, but they must also be individually trained to do work or perform tasks for the benefit of an individual with a disability.

42 U.S.C. §35.136(i)



U.S. DOT Defines Service Animal

Any animal individually trained to work or perform tasks for an individual with a disability.

49 C.F.R. §37.3



Which definition to follow

Both the ADA and U.S. DOT definitions of “Service Animal” are law and must be followed.

So, for transportation professionals, a Service Animal is...

Any animal individually trained to do work for or perform tasks for an individual with a disability.



ANY Animal?

YES, any animal.

However, the animal has to be individually trained to do work or perform tasks.

NOTE, you CANNOT ask:

- For documentation of the training;
- About the persons disability; or
- For a demonstration of the animal's ability.



Our policy/health code/the law prohibits animals
in some areas

A person with a Service Animal is permitted to go
anywhere where members of the public, participants
in services, programs, or activities, or invitees are
allowed to go.

42 U.S.C. § 35.136 (g)

In other words

If the public is allowed to be there – so is the person
with the Service Animal.



Allergies to Service Animals

Most allergies to animals are caused by direct contact with the animal.

- When a complaint about allergies is received try to find the person making the complaint a separate space away from the Service Animal.



Fear of Service Animals

Fear of a Service Animal is not a reason to deny access to the Service Animal or the person with the Service Animal.

If someone does demonstrate a fear of a Service Animal, a solution may be to allow that person to avoid getting close to the Service Animal.



How to determine if an animal is a Service Animal

When someone enters your facility with an animal and it is not obvious that it is a Service Animal – You CAN ask these two (2) questions

1. Is the animal a service animal required because of a disability?
2. What work or task has the animal been trained to perform?

42 U.S.C § 35.136(f)



How to determine if an animal is a Service Animal

You CANNOT

- Ask about the persons disability;
- Require medical documentation;
- Require special identification or training documentation for the animal; or
- Ask that the animal demonstrate its ability to perform the work or task.

42 U.S.C § 35.136(f)



What if I have to remove the Service Animal?

A person with a Service Animal **CANNOT** be asked to remove his/her Service Animal from the premises **UNLESS**:

1. The animal is out of control and the handler does not take effective action to control it; or
2. The animal is not housebroken.

42 U.S.C. §35.136(b)



Removing the Service Animal

- There must be a legitimate reason (out of control or not housebroken); and
- The person must still have the opportunity to use the services or facilities that are provided to everyone.

42 U.S.C. §35.136(c)



Control of a Service Animal

The Service Animal **MUST** be under the control of the handler.

This is typically done with a leash, harness, or tether. However, given the diverse nature of disabilities it is not always possible to use these devices.

This does not relieve the person from his/her responsibility to control their Service Animal.

42 U.S.C. § 35.136(d)



Care of a Service Animal

It is the responsibility of the person with the Service Animal to care for and supervise the animal.

Transportation Staff are NOT responsible for feeding, watching, or picking up after the animal.

DOT&PF is not required to provide special/designated areas for Service Animals to “go.”

42 U.S.C. § 35.136(e)



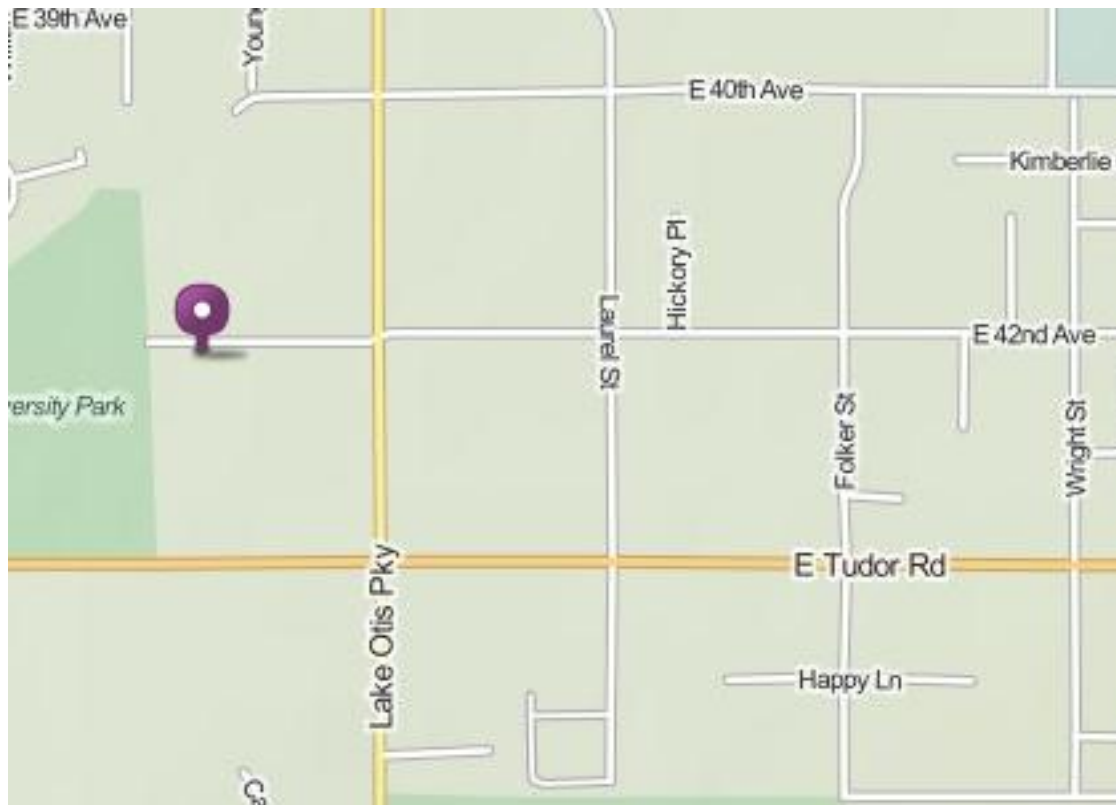
Charging for a Service Animal

- You **CANNOT** charge a “pet fee”, “animal fee”, extra “security deposit”, etc. for a service animal.
- You **CAN** charge for the damage caused by a Service Animal – if you normally charge for that damage.

42 U.S.C. §35.136(h)



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