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## ALASKA AIR CARRIERS ASSOCIATION

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January 1, 2016

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*Megan Matthieu*  
NORTHERN AIR CARGO

RE: Part 135 Carrier Transport of Service and Emotional Support Animals Impact Safety

*Mike Laughlin*  
REGAL AIR

The Alaska Air Carriers Association (AACAA) asks for your assistance to remedy both a safety and regulatory issue for Part 135 air carriers transporting service and emotional support animals.

*Norman Chance*  
Sky Airparts International

*Chuck Miller*  
WINGS OF FREEDOM

*Chris Matthews*  
WRIGHT AIR SERVICE

FAA certifies Part 135 operators to transport passengers on-demand or on a published schedule. Aircraft typical to the Alaskan Part 135 industry are generally small and equipped with 9 seats or less. A typical Part 135 fleet could include Cessna 185/206/207, Cessna 208 Caravans, DE Havilland Beaver and others. Part 135 operators are based at every hub in Alaska and provide schedule or on-demand transportation to any community or remote off field locations. Alaska's tourism industry relies on Part 135 operators for flight seeing, hunters and fisherman or other tourism related transportation. Common to all of these aircraft is the lack of a secure access door to the pilot cabin.

### **Executive Director**

*Jane Dale*  
ALASKA AIR  
CARRIERS  
ASSOCIATION

Service animals are typically dogs although recently, miniature horses less than 36" tall have been added. Emotional support animals vary widely in nature, size and weight and there are no apparent requirements for training or temperament.

Carriers are mandated by the Americans with Disabilities Act (ADA) to transport service and emotional support animals alongside their owner and other passengers

in the aircraft cabin. Conversely, the Federal Aviation Administration (FAA) regulations mandate carriers secure all items inside the cabin during all flights (see Part 135.87 below).

Part 135 air carriers comply with ADA requirements and when aircraft encounter turbulence or other disruption of flight, everyone including the pilot is at risk for injury as the animal could be tossed about the cabin and even into the cockpit. In addition, unsecured animals hinder passenger access to exit routes and doors.

AACA reached out to FAA and members reached out to ADA on the apparent contradiction of ADA and FAA requirements. Unfortunately, FAA did not offer resolution to the conflict of accommodating persons with disabilities and providing for the safety of all passengers including the flight crew. ADA encouraged the carrier comply with ADA laws or be subject to fines.

AACA seeks resolution for Part 135 air carriers who desire to provide transportation services in compliance with FAA and ADA requirements; where the safety of all passengers and flight crew is protected. One solution is to exempt Part 135 operators whose aircraft are not equipped with a cockpit security access door from the requirements of this ADA law. There may be other solutions and AACA seeks your guidance and assistance to solve this significant safety issue.

On behalf of AACA membership, we sincerely look forward to resolving this safety issue.

Best regards,

Jane Dale, Director  
Alaska Air Carriers Association

Matt Atkinson, President  
Alaska Air Carriers Association

Enclosure – Part 135.87 Carriage of cargo including carry on baggage.

## **§ 135.87 Carriage of cargo including carry-on baggage.**

No [person](#) may carry cargo, including carry-on baggage, in or on any [aircraft](#) unless -

- (a)** It is carried in an approved cargo rack, bin, or compartment installed in or on the [aircraft](#);
- (b)** It is secured by an approved means; or
- (c)** It is carried in accordance with each of the following:
  - (1)** For cargo, it is properly secured by a safety belt or other tie-down having enough strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions, or for carry-on baggage, it is restrained so as to prevent its movement during air turbulence.
  - (2)** It is packaged or covered to avoid possible injury to occupants.
  - (3)** It does not impose any load on seats or on the floor structure that exceeds the load limitation for those components.
  - (4)** It is not located in a position that obstructs the access to, or use of, any required emergency or regular exit, or the use of the aisle between the crew and the passenger compartment, or located in a position that obscures any passenger's view of the "seat belt" sign, "no smoking" sign, or any required exit sign, unless an auxiliary sign or other approved means for proper notification of the passengers is provided.
  - (5)** It is not carried directly above seated occupants.
  - (6)** It is stowed in compliance with this section for takeoff and landing.
  - (7)** For cargo only operations, [paragraph \(c\)\(4\)](#) of this section does not apply if the cargo is loaded so that at least one emergency or regular exit is available to provide all occupants of the [aircraft](#) a means of unobstructed exit from the [aircraft](#) if an emergency occurs.
- (d)** Each passenger seat under which baggage is stowed shall be fitted with a means to prevent articles of baggage stowed under it from sliding under crash impacts severe enough to induce the ultimate inertia forces specified in the emergency landing condition regulations under which the [aircraft](#) was type certificated.
- (e)** When cargo is carried in cargo compartments that are designed to require the physical entry of a [crewmember](#) to extinguish any fire that may occur during flight, the cargo must be loaded so as to allow

a [crewmember](#) to effectively reach all parts of the compartment with the contents of a hand fire