

**Department of Transportation
Office of the Chief Information Officer**

SUPPORTING STATEMENT

REPORTING REQUIREMENTS FOR DISABILITY-RELATED COMPLAINTS

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) renewed three-year approved clearance for the information collection entitled, Reporting Requirements for Disability-Related Complaints, OMB Control No. 2105-0551, which was due to expire on April 30, 2007. An emergency extension request was requested and approved on April 18, 2007.

Part A. Justification.

11. Circumstances that make collection of information necessary. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY. IDENTIFY ANY LEGAL OR ADMINISTRATIVE REQUIREMENTS THAT NECESSITATE THE COLLECTION. ATTACH A COPY OF THE APPROPRIATE SECTION OF EACH STATUTE AND REGULATION MANDATING OR AUTHORIZING THE COLLECTION OF INFORMATION.

The Air Carrier Access Act (ACAA, 49 U.S.C. § 41705) prohibits discriminatory treatment of persons with disabilities in air transportation. The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21; Pub. L. 106-181), signed into law on April 5, 2000, requires, among other things, that the Secretary of Transportation "regularly review all complaints received by air carriers alleging discrimination on the basis of disability and shall report annually to Congress on the results of such review." The only way for the Department to review all of the complaints received by air carriers with the available resources is to require air carriers to record and submit disability-related complaint data to the Department.

This information collection supports the DOT strategic goal of mobility by providing Congress and the public information regarding the accessibility of air travel for passengers with a disability.

2. How, by whom, and for what purpose is the information used. INDICATE HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED. EXCEPT FOR A NEW COLLECTION, INDICATE THE ACTUAL USE THE AGENCY HAS MADE OF THE INFORMATION RECEIVED FROM THE CURRENT COLLECTION.

In order to implement the statutory requirements of AIR-21, the Department's rule requires certificated U.S. and foreign carriers (operating at least one aircraft having a designed seating capacity of more than 60 seats) operating to, from, or within the U.S. that conduct passenger-carrying service to: (1) record and categorize complaints that they receive alleging inadequate

accessibility or discrimination on the basis of disability according to the type of disability and nature of complaint; (2) prepare and submit a summary report of those complaints annually to the Department of Transportation's Aviation Consumer Protection Division; and (3) retain copies of correspondence and a record of the action taken on disability-related complaints for

three years. The first report covered complaints received during calendar year 2004 and was due by January 25, 2005. Subsequent reports are due on the last Monday in January of that year for the prior calendar year.

The Department submitted reports to Congress in 2005 and 2006 that contained both a summary and a detailed breakdown of the disability-related complaints that were filed by the carriers covered by this rule. The 2007 report to Congress will follow this same format. The reports have also been placed on the Aviation Enforcement Office's website so that both consumers and air travel companies can compare the overall disability-related complaint records of individual airlines, including the number of disability complaints filed against particular carriers for specific service problems (e.g. refusal to board without an attendant). This system also serves as a basis for rulemaking, legislation and research. Further, our office uses the reports to track trends or spot areas of concern which we feel may warrant further action.

3. Extent of automated information collection. DESCRIBE WHETHER, AND TO WHAT EXTENT, THE COLLECTION OF INFORMATION INVOLVES THE USE OF AUTOMATED, ELECTRONIC, MECHANICAL, OR OTHER TECHNOLOGICAL COLLECTION TECHNIQUES OR OTHER FORMS OF INFORMATION TECHNOLOGY, E.G. PERMITTING ELECTRONIC SUBMISSION OF RESPONSES, AND THE BASIS FOR THE DECISION FOR ADOPTING THIS MEANS OF COLLECTION. ALSO DESCRIBE ANY CONSIDERATION OF USING INFORMATION TECHNOLOGY TO REDUCE BURDEN.

Carriers are required to submit their data to the Department through the World Wide Web, however, under limited circumstances, a carrier that can demonstrate hardship if required to submit report via the web will be permitted to submit the data by paper copy, disk, or email.

4. Efforts to identify duplication. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSES DESCRIBED IN ITEM 2 ABOVE.

There is no similar information accumulated that could be used or modified for the purpose described in the answer for question 2 detailed above.

5. Efforts to minimize the burden on small businesses. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 5 OF OMB FORM 83-I), DESCRIBE ANY METHODS USED TO MINIMIZE BURDEN.

The Department certifies that the rule does not impact a substantial number of small businesses or other small entities. A direct or foreign carrier is a small business if it provides air transportation only with small aircraft, i.e. aircraft designed to have a maximum capacity of not

more than 60 seats or a maximum payload capacity of 18,000 pounds. The rule is applicable to foreign and domestic carriers that utilize aircraft that have a design capacity of 61 passengers or more.

6. Impact of less frequent collection of information. DESCRIBE THE CONSEQUENCE TO FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE COLLECTION IS NOT CONDUCTED OR IS CONDUCTED LESS FREQUENTLY, AS WELL AS ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN.

If the collection is not completed the Secretary will be unable to comply with the statutory requirements of AIR 21 to review all complaints received by air carriers and report annually to Congress.

7. Special circumstances. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:

- REQUIRING RESPONDENTS TO REPORT INFORMATION TO THE AGENCY MORE OFTEN THAN QUARTERLY;
- REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER RECEIPT OF IT;
- REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;
- REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT, GRANT-IN-AID, OR TAX RECORDS FOR MORE THAN THREE YEARS;

- IN CONNECTION WITH A STATISTICAL SURVEY, THAT IS NOT DESIGNED TO PRODUCE VALID AND RELIABLE RESULTS THAT CAN BE GENERALIZED TO THE UNIVERSE OF STUDY;
- REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;
- THAT INCLUDES A PLEDGE OF CONFIDENTIALITY THAT IS NOT SUPPORTED BY AUTHORITY ESTABLISHED IN STATUTE OR REGULATION, THAT IS NOT SUPPORTED BY DISCLOSURE AND DATA SECURITY POLICIES THAT ARE CONSISTENT WITH THE PLEDGE, OR WHICH UNNECESSARILY IMPEDES SHARING OF DATA WITH OTHER AGENCIES FOR COMPATIBLE CONFIDENTIAL USE; OR
- REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE SECRET, OR OTHER CONFIDENTIAL INFORMATION UNLESS THE AGENCY CAN

DEMONSTRATE THAT IT HAS INSTITUTED PROCEDURES TO PROTECT THE INFORMATION'S CONFIDENTIALITY TO THE EXTENT PERMITTED BY LAW.

There are no special circumstances requiring information to be collected in any of the manners stated above.

8. Compliance with 5 CFR 1320.8: PROVIDE AN ELECTRONIC COPY AND IDENTIFY THE DATE, VOLUME NUMBER AND PAGE NUMBER OF THE PUBLICATION IN THE FEDERAL REGISTER OF THE AGENCY'S NOTICE (FOR A 60-DAY AND A 30-DAY NOTICE), REQUIRED BY 5 CFR 1320.8(d), SOLICITING COMMENTS ON THE INFORMATION COLLECTION PRIOR TO SUBMISSION TO OMB.

- SUMMARIZE PUBLIC COMMENTS RECEIVED IN RESPONSE TO THAT NOTICE AND DESCRIBE ACTIONS TAKEN BY THE AGENCY IN RESPONSE TO THOSE COMMENTS. SPECIFICALLY ADDRESS COMMENTS RECEIVED ON COST AND HOUR BURDEN.
- DESCRIBE EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY TO OBTAIN THEIR VIEWS ON THE AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, THE CLARITY OF INSTRUCTIONS AND RECORD KEEPING, DISCLOSURE, OR REPORTING FORMAT (IF ANY), AND ON THE DATA ELEMENTS TO BE RECORDED, DISCLOSED, OR REPORTED.
- CONSULTATION WITH REPRESENTATIVES OF THOSE FROM WHOM INFORMATION IS TO BE OBTAINED OR THOSE WHO MUST COMPILE RECORDS SHOULD OCCUR AT LEAST ONCE EVERY 3 YEARS--EVEN IF THE COLLECTION OF INFORMATION ACTIVITY IS THE SAME AS IN PRIOR

PERIODS. THERE MAY BE CIRCUMSTANCES THAT MAY PRECLUDE CONSULTATION IN A SPECIFIC SITUATION. THESE CIRCUMSTANCES SHOULD BE EXPLAINED.

Notice and public comment were solicited with publication in the Federal Register of *Application To Renew Information Collection Request OMB No. 2105-0551*, on March 1, 2007,

volume 72, page 9385, which initiated a 60-day public comment period. No comments were received. A subsequent 30-day public comment period was initiated with the publication in the Federal Register of *Notice of Request for Renewal of a Previously Approved Collection*, on May xx, 2007, volume xx, page xxxx.

9. Payments or gifts to respondents. EXPLAIN ANY DECISION TO PROVIDE A PAYMENT

OR GIFT TO RESPONDENTS, OTHER THAN ENUMERATION OF CONTRACTORS OR GRANTEEES.

No payment or gift of any kind has been or will be provided to any respondents in the public sector or to carriers that must file reports pursuant to this rule.

10. Assurance of confidentiality: DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR THE ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.

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3The Privacy Act is applicable and will regulate the manner in which the Department will handle personal and corporate information.

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511. Justification for collection of sensitive information: PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES, RELIGIOUS BELIEFS, AND OTHER MATTERS THAT ARE COMMONLY CONSIDERED PRIVATE. THIS JUSTIFICATION SHOULD INCLUDE THE REASONS WHY THE AGENCY CONSIDERS THE QUESTIONS NECESSARY, THE SPECIFIC USES TO BE MADE OF THE INFORMATION, THE EXPLANATION TO BE GIVEN TO PERSONS FROM WHOM THE INFORMATION IS REQUESTED, AND ANY STEPS TO BE TAKEN TO OBTAIN THEIR CONSENT.

The sensitive information being collected is about a passenger's disability. The nature of a passenger's disability is often disclosed in the written complaints sent by the passenger. If the passenger does not self-disclose his/her disability, then the carrier would simply classify the disability as "other disability." Inquires into the nature of passengers disabilities are not required or encouraged. The Department uses the data gathered to identify potential areas of concern and to meet the requirements of Air-21.

12. Estimate of burden hours for information requested: PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION. THE STATEMENT SHOULD:

- INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSES, CALCULATION FOR THE INDIVIDUAL BURDENS AND FOR THE TOTAL

- ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED. UNLESS DIRECTED TO DO SO, AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE. IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCES IN ACTIVITY, SIZE, OR COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOUR FOR CUSTOMARY AND USUAL BUSINESS PRACTICES

- IF THIS REQUEST FOR APPROVAL COVERS MORE THAN ONE FORM, PROVIDE SEPARATE HOUR BURDEN ESTIMATES FOR EACH FORM AND AGGREGATE THE HOUR BURDENS IN ITEMS 13 OF OMB FORM 83-I.

- PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOURLY BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES. THE COST OF CONTRACTING OUT OR PAYING OUTSIDE PARTIES FOR INFORMATION COLLECTION ACTIVITIES SHOULD NOT BE INCLUDED HERE. INSTEAD, THIS COST SHOULD BE INCLUDED IN ITEM 14.

Respondents: Certificated U.S. air carriers and foreign air carriers operating to and from the United States that conduct passenger-carrying service with large aircraft.

Estimated Annual Burden on Respondents: 0 minutes to 875 hours a year for each respondent (time to record and categorize one complaint [15 minutes] multiplied by the number of complaints respondents receive [0 complaint a year to 3,500 annual complaints a year]. The number of complaints received by carriers varies greatly. In 2003, we estimated that carriers would receive anywhere from 1 complaint a year to 4,000 annual complaints a year. Based on data provided by carriers in 2004, 2005, and 2006, we believe that a range of 0 to 3500 annual complaints a year is more accurate.

Estimated Total Annual Burden: 3238 hours for all respondents (time to record and categorize one complaint [15 minutes] multiplied by the total number of complaints for all respondents [12,952]). In 2003, we estimated that the total number of complaints for all respondents would be 33,050. Based on a review of the data provided by carriers, it appears that our 2003 estimate was too high. Carriers received a total of 11,508 complaints in 2004, a total of 13,584 complaints in 2005, and a total of 13,764 complaints in 2006 for an average of 12,952 annual complaints.

Frequency: 0 to 3,000 complaints per year for each respondent (Some carriers may not receive any complaint in a given year while some of the larger operators could receive 3,000 annual complaints).

(2) Requirement to submit a report to DOT summarizing the disability-related complaint data (key-punching web-based matrix report).

Respondents: Certificated U.S. air carriers and foreign air carriers operating to and from the United States that conduct passenger-carrying service with large aircraft.

Estimated Annual Burden on Respondents: 30 minutes a year for each respondent to type in the 169 items (matrix consists of 13 disabilities and 13 service problems).

Estimated Total Annual Burden: 80 hours for all respondents (annual burden [30 minutes] multiplied by the total number respondents [160]). In 2003, we estimated the total number of respondents to be anywhere from 295 to 370. However, based on the number of carriers that reported data in 2004, 2005 and 2006 as well as the carriers that did not but should have submitted such data, we now believe that the total number of respondents is approximately 160.

Frequency: 1 report to DOT per year for each respondent

Estimated Number of Responses: 160 (frequency of report [1 per year] multiplied by the total number of respondents [160])

(3) Requirement to retain correspondence and record of action taken on all disability-related complaints for three years.

Respondents: Foreign air carriers operating to and from the United States that conduct passenger carrying service with large aircraft.

Estimated Annual Burden on Respondents: 1 hour a year for each respondent

Estimated Total Annual Burden: 100 hours for all respondents (annual burden [1 hour] multiplied by the total number respondents [100]). In 2003, we estimated that the total number of foreign air carriers that would be required to submit an annual report to DOT would be 231 to 306. However, we have found that not all of the foreign air carriers that have authority to fly into the U.S. actually do so. It appears that the total number of foreign air carriers that would be covered is approximately 100.

Frequency: 0 to 300 complaints per year for each respondent. The data provided by foreign air carriers operating to and from the United States that conduct passenger carrying service with large aircraft demonstrates that that number of complaints received by such carriers varies greatly from a low of 0 to a high of almost 300.

13. Estimate of total annual costs to respondents. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORDKEEPERS RESULTING FROM THE COLLECTION OF INFORMATION. (DO NOT INCLUDE THE COSTS OF ANY HOUR BURDEN SHOWN IN ITEMS 12 AND 14).

- INCLUDE A BREAKDOWN FOR TOTAL CAPITAL/START-UP COSTS AND OPERATION/MAINTENANCE. THE COST ESTIMATES SHOULD BE SPLIT INTO TWO COMPONENTS: (A) A TOTAL CAPITAL AND START-UP COST COMPONENT (ANNUALIZED OVER IT EXPECTED USEFUL LIFE); AND (B) A TOTAL OPERATION AND MAINTENANCE AND PURCHASE OF SERVICES COMPONENT. THE ESTIMATES SHOULD TAKE INTO ACCOUNT COSTS ASSOCIATED WITH GENERATING, MAINTAINING, AND DISCLOSING OR PROVIDING THE INFORMATION. INCLUDE DESCRIPTIONS OF METHODS USED TO ESTIMATE MAJOR COSTS FACTORS INCLUDING SYSTEM AND TECHNOLOGY ACQUISITION, EXPECTED USEFUL LIFE OF CAPITAL EQUIPMENT, THE DISCOUNT RATE(S), AND THE TIME PERIOD OVER WHICH COSTS WILL BE INCURRED. CAPITAL AND START-UP COSTS INCLUDE, AMONG OTHER ITEMS, PREPARATIONS FOR COLLECTING INFORMATION SUCH AS PURCHASING COMPUTERS AND SOFTWARE; MONITORING, SAMPLING, DRILLING AND TESTING EQUIPMENT; AND RECORD STORAGE FACILITIES.
- IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE COST OF PURCHASING OR CONTRACTING OUT INFORMATION COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.
- GENERALLY, ESTIMATES SHOULD NOT INCLUDE PURCHASES OF EQUIPMENT OR SERVICES, OR PORTIONS THEREOF, MADE (1) PRIOR TO OCTOBER 1, 1995, (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION COLLECTION, (3) FOR REASONS OTHER THAN TO PROVIDE INFORMATION OR KEEP RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.

The Department estimated that the first year start-up costs (computer hardware and software, consultants) to industry would range from \$242,957 to \$254,738. Subsequent yearly costs to industry for maintenance of the database and data input are estimated to be \$0 as these tasks are completed by carrier personnel.

14. Estimate of cost to the Federal government. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COSTS, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATIONAL EXPENSES SUCH AS EQUIPMENT, OVERHEAD, PRINTING, AND SUPPORT STAFF, AND ANY OTHER EXPENSE THAT WOULD NOT HAVE BEEN INCURRED WITHOUT THIS COLLECTION OF INFORMATION. AGENCIES ALSO MAY AGGREGATE COST ESTIMATES FROM ITEMS 12, 13, AND 14 IN A SINGLE TABLE.

Not applicable.

15. Explanation of program changes or adjustments. EXPLAIN THE REASONS FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14 OF THE OMB FORM 83-I.

The reduction of the adjustments has been reduced by 5515 hours after review of three years of data provided by carriers.

16. Publication of results of data collection. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS WILL BE PUBLISHED, OUTLINE PLANS FOR TABULATION, AND PUBLICATION. ADDRESS ANY COMPLEX ANALYTICAL TECHNIQUES THAT WILL BE USED. PROVIDE THE TIME SCHEDULE FOR THE ENTIRE PROJECT, INCLUDING BEGINNING AND ENDING DATES OF THE COLLECTION OF INFORMATION, COMPLETION OF REPORT, PUBLICATION DATES, AND OTHER ACTIONS.

The Department submits an annual report containing a summary and a detailed breakdown of the data to Congress. The Department also places this report on its Aviation Consumer Protection Division website. At this time, the Department does not have any plans to publish the report and intends to continue its annual submission to Congress and to continue posting the report on its website.

17. Approval for not displaying the expiration date of OMB approval. IF SEEKING APPROVAL TO NOT DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL OF THE INFORMATION COLLECTION, EXPLAIN THE REASONS THAT DISPLAY WOULD BE INAPPROPRIATE.

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2Not applicable.

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18. Exceptions to certification statement. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-I.

Not applicable.