

## SUPPORTING STATEMENT

### A. Justification

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

Title 14 Code of Federal Regulations (14 C.F.R.) Part 250 of the Department's aviation regulations establishes minimum standards for the treatment of airline passengers holding confirmed reservations who are not accommodated because their flight has been oversold. BTS Form 251 *Report of Passengers Denied Confirmed Space*, is filed pursuant to §250.10 of this regulation. The Department uses Form 251 data to monitor the compliance of the U.S. and foreign air carriers with the oversales provisions of Part 250.

**2. Indicate how, by whom, and for what purpose the information is to be used. Indicate the actual use the agency has made the information received from the current collection.**

U.S. and foreign air carriers that operate scheduled passenger service with large aircraft (over 60 seats) must submit Form 251. However, carriers do not report data from inbound international flights because the protections of Part 250 *Oversales* do not apply to these flights.

BTS Form 251 is a one-page report on the number of passengers denied boarding voluntarily and involuntarily, whether the bumped passengers were provided alternate transportation and/or compensation, and the amount of the payment. The report allows the Department to monitor the effectiveness of its oversales rule and take enforcement action when necessary. The involuntary denied-boarding rate has decreased over the years from 4.38 per 10,000 passengers in 1980 to 1.04 for the nine months ended September 2006. The denied boarding rate has increased slightly from 0.89 rate attained in the year 2000 due to the increase in load factors. These statistics demonstrate the effectiveness of the 'volunteer provision'. The publishing of the air carriers' individual denied boarding rates has negated the need for more intrusive regulation.

The rate of denied boarding can be examined as a continuing fitness factor. This rate provides an insight into a carrier's policy of treating passengers and its compliance disposition. A rapid sustained increase in the rate of denied boarding often is an indicator of operational difficulty. Because the rate of denied boarding is released quarterly,

travelers and travel agents can select carriers with low bumping incidents when booking a trip. This information is made available to the public in the *Air Travel Consumer Report* and on the web at <http://www.dot.gov/airconsumer>. The *Air Travel Consumer Report* is also sent to newspapers, magazines, and trade journals. Without Form 251, determining the effectiveness of the Department's oversales rules, would be an uncertainty.

**3. 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 submissions 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 free to establish their own systems for generating the information and may use their own computer generated forms with approval from the Office of Airline Information (OAI). Also, some carriers have opted to email their data to OAI.

**4. Describe efforts to identify duplication. Show specifically why similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

Form 251 is the only report of its kind. There are no other information sources to check carriers' denied-boarding rates.

**5. If the collection of information impacts small businesses or other small entities, describe efforts to minimize burden.**

The requirements of Part 250 are limited to services operated with large aircraft (over 60 seats). Thus, commuter and small certificated air carriers do not submit Form 251.

**6. Describe the consequence to the Federal Program or policy activities if the collection were not collected or conducted less frequently.**

Originally, the information was collected monthly. Filing frequency was changed to quarterly to reduce carrier reporting burden. Because of the nature of the airline business, less frequent filing could obscure seasonal or peak-travel period oversales problems.

**7. 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, government contracts, grant-in-aid, or tax records for more than 3 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 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 secrets, 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 that pertain to this data collection.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agency's 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 the notice and describe actions taken by the agency in response to these comments.**

The notice inviting public comments was published in the Federal Register on January 19, 2007 (72 FR page 2591) and April 2, 2007 (72 FR 15754). The agency did not receive any comments.

**9. Explain any decision to provide any payment or gift to respondents, other than re-enumeration of contractors or grantees.**

There were no payments or gifts to respondents.

**10. Describe any assurances of confidentiality provided to respondents.**

Because Form 251 is a consumer report, there are no guarantees of confidentiality and the agency provides notice of this fact in its PRA notices.

**11. Are there any questions of a sensitive nature?**

There are no questions of a sensitive nature.

**12. Provide estimates of reporting burden.**

	<u>U.S. AIR CARRIERS</u>	<u>FOREIGN CARRIERS</u>	<u>AIR</u>
Respondents		33	
Quarterly Reports		<u>4</u>	67
Total Reports		<u>4</u> 132	
Hours Per Reports		<u>10</u>	268
Burden Hours		<u>1.25</u>	
	1320		
	335		

The estimated total burden for U.S. and foreign air carriers is 1655 hours.

**13. Provide an estimate of cost to the respondents. Do not include the cost of any hour burden shown in items 12 and 14. General estimates should not include purchase of equipment or services or portions thereof made prior to October, 1995.**

There are no other costs associated with this data collection.

**14. Provide estimates of annualized cost to the Federal Government.**

Cost to the Government is estimated to be about \$6,000 per year. This estimate is comprised of allocation of staff time to log in receipt of the carriers reports, compilation of the quarterly data, allocation of printing cost (denied boarding makes up 5% of the pages in the *Air Travel Consumer Report*, and an allocation of consumer statistics exhibited on DOT's internet site.

**15. Explain the reasons for any program changes or adjustments in Items 13 or 14 of OMB 83-I.**

Government costs increased due the allocation of cost to make the information available to the public and the industry via the internet.

The decrease in burden hours is caused by a decrease in the number of U.S. air carriers providing scheduled passenger service.

**16. Is the information received published?**

DOT publishes the *Air Travel Consumer Report*, which includes tables giving information by U.S. air carriers on the number of passengers bumped involuntarily and on the number who voluntarily gave up their seats on oversold flights in exchange for compensation. The rate of involuntarily denied boarding per 10,000 passengers is also included.

Although the *Air Travel Consumer Report* is a monthly publication, denied boarding information is displayed for the latest available quarter and year-to-date. The *Air Travel Consumer Report* is also available on the internet.

**B. Collection of Information Employing Statistical Methods**

This data collection does not employ statistical methods.