

SUPPORTING STATEMENT

OMB #2120-0633

Exemptions for Air Taxi and Commuter Air Carrier Operations

Justification:

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

Code of Federal Regulation (CFR) 14 Part 298, Exemptions for Air Taxi and Commuter Air Carrier Operations, establishes two classifications of air carriers known as air taxi operators and commuter air carriers, the latter being air taxis that offer scheduled passenger service. Generally, they are small businesses, and Part 298 sets a maximum on the size of the aircraft they may operate. The regulation exempts these small operators from certain provisions of the Federal statute to permit them to obtain operating authority by filing a one-page OST Form 4705, Air Taxi Operator and Commuter Air Carrier Registration, and amendments under Part 298 of the Regulations of the Department of Transportation (DOT).

Part 298 identifies the fiscal fitness requirements (financial, economic, insurance) for these carriers. Under Part 298 both air taxi operators and commuters are required to register with the Department of Transportation and provide proof of liability insurance for all of the aircraft use by the operator. In September 1996, the functions involving insurance certification for air taxi operators was transferred from the DOT, Office of the Secretary (OST), Office of Aviation Analysis, to the Federal Aviation Administration (FAA), Flight Standards Service. This function relating to commuter air carriers were retained at the Department of Transportation.

This information collection supports the Department of Transportation's strategic goals on safety and security. Certification of operational authority and proof of liability insurance is fundamental to ensure compliance with the regulations in order to promote the public health and safety by working toward the elimination of transportation-related deaths, injuries, and property damage.

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used.

OST Form 4507 provides the information necessary to determine whether an air taxi-type operation meet the Department's criteria for an operating authorization under Part 298. In this regard, the form requires the air taxi to identify the aircraft it will use in its operation. This enables the FAA to assure that liability insurance exists for these aircraft. This identification of aircraft is also important from a safety standpoint. It

performs an airworthiness check on the aircraft before the carrier is allowed to operate.

The information on OST Form 4507 is also used to protect the competitive interests of the air taxis. Since they are all required to register, it serves to monitor the number and character of the air taxis operating. For example, each carrier is required to provide citizenship information in order that the Department can assure that the company qualifies as a U.S. citizen under the statute. If Part 298 and OST Form 4507 did not exist, the carriers would be required to endure a certification proceeding. This would be much more costly route for the carriers, DOT, and FAA.

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 submission of responses, and the basis for the decision for adopting this means of collection.*

This collection is not compatible with automated data systems. OST Form 4507 requests general information about the carrier such as confirmation of its citizenship and a list of the aircraft it will operate. This information is filed only once unless there is an amendment and this information is not otherwise available.

Electronic submissions of OST Form 4507 is not feasible since the form is a legal document and is used by the Department and the FAA in court cases. As such, a hard copy with original signatures is required. In response to the Government Paperwork Elimination Act (GPEA) the form is available on the Internet, facilitating easy access by the user, but 0% may be submitted electronically.

4. *Describe efforts to identify duplication.*

To our knowledge the carriers are not required to provide this information with any other organization other than the FAA and the DOT. There is no duplication in the collection.

5. *If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.*

OST Form 4507 can be completed in thirty minutes or less. The form is simplified (one page front and back) and requests only basic information about carrier's operation. If the information on the form does not change, the carrier will never again be required to file that form with the DOT/FAA. Also, as noted in #3 above, electronic submission has been considered for those who have the capability.

6. 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.

Carriers are required to submit OST Form 4507 only once unless there is a need to update a previous submission. See #3 above for technical and legal obstacles to the use of modern information terminology.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner in consistent with guidelines.

The collection of information is consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. 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 recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A notice for comment was published in the *Federal Register* on October 31, 2008, vol. 73, no. 212, page 65003. No comments were received. A copy is attached for your convenience.

9. Describe any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

There are no payments or gifts.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The information collected is available for public inspection. Part 298 does not provide any assurances of confidentiality.

11. 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.

No sensitive information is requested on the form.

12. Provide estimates of the hour burden of the collection of information. The statements should: Indicate the number of respondents, frequency of response, annual hour burden and an explanation of how the burden was estimated. If this request is for approval covers more than one form, provide separate hour burden estimates for each form. Provide estimates of annualized cost to

respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

The estimated hour burden and cost burden to the respondents is **1,026 hours** and **\$29,996.00**. For *air taxis operators* there were approximately 240 new applicants and 1,800 amendments. The filing fee is \$8.00 for new applicants, there is no filing fee for amendments. The estimated industry rate for one-man hour is \$24.00 per hour. For *commuter carriers* there were 11 new applicants, amendments are not included in this report. The filing fee is \$670.00 for new applicants. The estimated industry rate for one man hour is \$40.00 per hour.

SUMMARY

	# of Respondents	Responses per Applicant	Total Responses	Hrs per response	Total hours	Hourly rate	Total Hour Cost	Total Responses	Fee	Total Fees
Air Taxis*										
New Applicants	240	1	240	0.5	120	\$24.00	\$2,880.00	240	\$8.00	\$1,920.00
Amendments	1,800	1	1,800	0.5	900	\$24.00	\$21,600.00	1,800	\$0.00	0
Commuter Carriers**										
New Applicants	11	1	11	0.5	5.5	\$40.00	\$220.00	11	\$670.00	\$7,370.00
Totals							\$220.00			\$7,370.00
							1,026			\$33,990.00

* The air taxi estimates are based on FAA experience in CY 2001. Numbers are expected to remain relatively constant over the next few years.

** The commuter carrier numbers were provided by DOT/OST/Office of Aviation Analysis, X-56.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

There are no additional costs not already included in #12.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method use to estimate cost, which should include quantification of hours, operational expenses and any other expense that would not have been incurred without this collection of information.

The cost to the government for reviewing and processing Form 4507 is approximately \$41,500 annually. This represents one man-year at GS-9 spending one-half their time daily processing the forms.

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

There are no changes.

16. For collections of information whose results will be published, outline plans for tabulation, and publication.

The information contained on the form is not intended to be published for statistical use.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are not seeking approval to not display the expiration date.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions.

Attachment List:

1. Supporting Statement
2. 30-Day Notice
3. 60-Day Notice
4. OST Form 4507
5. 14 CFR Part 298