

# **INFORMATION COLLECTION SUPPORTING STATEMENT**

## **TITLE**

### **Notice of Proposed Rulemaking**

Air Ambulance and Commercial Helicopter Operations; Safety Initiatives and Miscellaneous Amendments

- 1. 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. (Annotate the CFR parts/sections affected).***

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. This rulemaking is promulgated under the authority described in 49 U.S.C. 44701(a)(4), which requires the Administrator to promulgate regulations in the interest of safety for the maximum hours or periods of service of airmen and other employees of air carriers, and 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security.

The provisions of the proposed rule that would require information collection are --

- Require certificate holders performing helicopter air ambulance operations to implement pre-flight risk-analysis programs (§135.615)
- Require air ambulance operators with 10 or more helicopters to have an operations control center to communicate with pilots, advise pilots of weather conditions, and provide flight-following services (§135.617)
- Require additional VFR flight planning (§135.613)
- Require that medical personnel on board helicopter air ambulance flights receive a supplemental safety briefing (§135.619)
- Require operators of all aircraft operated under part 135 to prepare a load manifest and permit operators to transmit copies to their principal bases of operations in lieu of preparing duplicate copies (§135.63)
- Require air ambulance operators that are required to have an operations control center to perform drug and alcohol testing on their operations control specialists (§§120.105 and 120.215)

While not specifically proposed in the regulatory amendments, the FAA is also seeking comments on whether to require the installation of a light-weight aircraft recording system (LARS) in order to provide critical information to investigators in the event of an accident. In addition, the agency is asking whether certificate holders would also use those systems to improve daily operations.

**2. 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.**

- Require certificate holders performing helicopter air ambulance operators to implement pre-flight risk-analysis programs (§135.615)

The FAA would require certificate holders to establish pre-flight risk-management procedures. The FAA would require that certificate holders outline these procedures in their operations manuals. The purpose is to enhance safety.

- Require air ambulance operators with 10 or more helicopters to have an operations control center to communicate with pilots, advise pilots of weather conditions, and provide flight-following services (§135.617)

Under this requirement, operations control specialists would work with pilots to complete a pre-flight risk analysis worksheet, which would be signed by the operations control specialist and the pilot in command. The format and manner of completing the worksheet would be established in the certificate holder's operations manuals.

In addition, the FAA would require that operations control specialists be trained under an FAA-approved training program. Records of that training would be maintained for 90 days.

Occupational control specialists would also be subject to the certificate holder's drug and alcohol testing program, records of which would be maintained in accordance with the certificate holder's FAA-approved program.

The FAA would use this information to ensure that individuals involved in safety-related functions receive appropriate training and testing.

- Require additional VFR flight planning (§135.613)

The FAA is proposing as part of a pilot's pre-flight risk analysis, that a pilot evaluate and document terrain and obstacles. The FAA would require that certificate holders outline these procedures in their operations manuals. The purpose of requiring this documentation is to enhance safety.

- Seek comments on whether to require installation of a light-weight aircraft recording system (LARS)

A proposal under consideration is to require the installation of a light-weight aircraft recording system (LARS) to provide event data to aid investigators after an accident. Currently, because most helicopter air ambulances are not equipped with flight data recording devices, investigators must piece together information pertaining to an accident from a variety of sources. LARS could provide precise technical data regarding the flight, such as heading, altitude, and attitude that may otherwise be unavailable. The FAA asks for comments on whether LARS will provide data that is valuable in an accident investigation.

The FAA also invites comments on whether operators that are required to install LARS for accident investigation would also use those systems to improve daily operations, including whether operators would be more likely to participate in an FAA-approved Flight Operations Quality Assurance (FOQA) program if required to equip helicopters with LARS.

- Require that medical personnel on board helicopter air ambulance flights receive safety training in lieu of currently required pre-flight briefings (§135.619)

The FAA is proposing to provide certificate holders with the option of providing FAA-approved safety training every 2 years to medical personnel on board helicopter air ambulance flights in lieu of currently required pre-flight briefings. If a certificate holder chooses to provide this training, it would be required to document the training provided to each medical personnel, and maintain a record of that training for 24 calendar months plus 60 days following the individual's completion of training. The FAA would use this information to monitor this safety training.

- Amend existing collection 2120-0039 by expanding the applicability from multiengine aircraft to all aircraft. The new rule would require operators of all aircraft operated under part 135 to prepare a load manifest and permit electronic transmission of copies (§135.63)

Currently, §135.63 requires the preparation of a load manifest detailing information such as aircraft weight, center of gravity, crewmember identification, and other aircraft information before a flight involving a multiengine aircraft. The load manifest must be prepared in duplicate, and one copy must be carried on board the aircraft to its destination. Section 135.63 currently does not prescribe any specific action for the copy of the load manifest not carried on board the aircraft.

Recently, single-engine passenger carrying aircraft have increased in size and capacity and, therefore their use in on-demand operations has increased. The FAA finds that all operators carrying passengers for hire must generate a manifest, regardless of the type of aircraft operated. In the event of an emergency, the operator must be able to account for aircraft occupants and, in the case of a fatal or serious accident, contact next of kin. Additionally, the FAA believes that, in the event of an accident, load manifest information pertaining to the aircraft's weight and balance would be useful in determining whether the aircraft was loaded within the aircraft's center-of-gravity limits and maximum allowable takeoff weight. Therefore a copy of the load manifest should be available if the copy on the aircraft is destroyed.

In addition, the FAA is proposing to eliminate the requirement that the load manifest be prepared in duplicate for certificate holders who elect to electronically transmit the information contained in the load manifest to their operations base before take off. A certificate holder electing this option would be permitted to transmit the information by facsimile, e-mail, online form, or other electronic means and the information must be received by the certificate holder's base of operations or other approved location before take off. This would ensure that the load manifest information is available in the event that the copy carried on board the aircraft is destroyed. If a certificate holder does not elect to transmit load

manifest information electronically, it would be required to prepare the load manifest in duplicate. Additionally, the proposed rule would require the pilot in command to arrange for a copy of the load manifest to be sent to the certificate holder, retained in a suitable place at the takeoff location, or retained in another location approved by the FAA.

The FAA notes that the proposed regulation would not alter the requirement that a copy of the load manifest must be carried on board the aircraft to its final destination, although that copy may be in an electronic format. In addition, the proposal would not change the required content of the load manifest.

- Require air ambulance operators that are required to have an operations control center to perform drug and alcohol testing on their operations control specialists (§§120.105 and 120.215)

Because the functions of operations control specialists are safety-sensitive, the FAA would require those individuals to be subject to drug and alcohol testing.

**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. Also describe any consideration of using information technology to reduce burden. [Effective 03/22/01, your response must SPECIFICALLY reference the Government Paperwork Elimination Act (GPEA), which addresses electronic filing and recordkeeping, and what you are doing to adhere to it. You must explain how you will provide a fully electronic reporting option by October 2003, or an explanation of why this is not practicable.]**

- Require certificate holders performing helicopter air ambulance operations to implement pre-flight risk-analysis programs (§135.615)

The FAA would require that certificate holders outline these procedures in their operations manuals. In accordance with the Government Paperwork Elimination Act (GPEA), the FAA would permit electronic recordkeeping.

- Require air ambulance operators with 10 or more helicopters to have an operations control center to communicate with pilots, advise pilots of weather conditions, and provide flight-following services (§135.617)

The FAA would require that certificate holders outline these procedures in their operations manuals. In accordance with the Government Paperwork Elimination Act (GPEA), the FAA would permit electronic recordkeeping.

In addition, the FAA would require that operations control specialists be trained and tested under an FAA-approved training program and the records of that training and testing be maintained for 90 days. In accordance with the Government Paperwork Elimination Act (GPEA), the FAA would permit electronic recordkeeping.

Occupational control specialists would also be subject to the certificate holder's drug and alcohol testing program. In accordance with the Government Paperwork Elimination Act (GPEA), the FAA would permit electronic recordkeeping.

- Require additional VFR flight planning (§135.613)

The FAA would require that certificate holders outline these procedures in their operations manuals. In accordance with the Government Paperwork Elimination Act (GPEA), the FAA would permit electronic submission.

- Seek comments on whether to require installation of a light-weight aircraft recording system (LARS)

Should the FAA adopt a requirement to require the installation of a light-weight aircraft recording system (LARS) in order to provide critical information to investigators in the event of an accident and require certificate holders also to use those systems to improve daily operations, the amendments would support the Government Paperwork Elimination Act (GPEA). In accordance with the Government Paperwork Elimination Act (GPEA), data from these devices would be collected, downloaded, and stored electronically.

- Require that medical personnel on board helicopter air ambulance flights receive safety training in lieu of currently required pre-flight briefings (§135.619)

In accordance with the Government Paperwork Elimination Act (GPEA), the FAA would permit electronic recordkeeping.

- Require operators of all aircraft operated under part 135 to prepare a load manifest and permit operators to transmit copies to their principal bases of operations in lieu of preparing duplicate copies (§135.63)

In accordance with the Government Paperwork Elimination Act (GPEA), the FAA would permit electronic recordkeeping.

- Require air ambulance operators that are required to have an operations control center to perform drug and alcohol testing on their operations control specialists (§§120.105 and 120.215)

In accordance with the Government Paperwork Elimination Act (GPEA), the FAA would permit electronic recordkeeping.

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

We have reviewed other FAA public-use reports and find no duplication. Also, the FAA knows of no other agency collecting the same information.

5. ***If the collection of information has a significant impact on a substantial number of small businesses or other small entities (Item 5 of the Paperwork Reduction Act submission form), describe the methods used to minimize burden.***

While other requirements in the proposed rule would have an impact on small businesses, the information collection aspects of the NPRM would not have a significant impact.

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.***

Without these information collections, the FAA would not have a means of approving certificate holders' risk-assessment programs. In addition, the FAA and other government entities would not have access to training records and flight data information in the event of an accident or incident.

7. ***Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5(d)(2).***

The collections are not inconsistent with 5 CFR 1320.5 (d)(2).

8. ***Describe efforts to consult 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. 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 that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.***

The FAA published a Notice of Proposed Rulemaking (NPRM) in the Federal Register on October 12, 2010 (75 FR 62640). The comment period closes on January 10, 2011.

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

There would be no monetary considerations for this collection of information.

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

The respondents would not be given assurance of confidentiality.

**11. Provide additional justification for any questions of sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

There would be no questions of a sensitive nature.

**12. Provide estimates of hour burden of the collection of information.**

To aid in readability, this section will make references to the full economic evaluation.

- Require certificate holders performing helicopter air ambulance operators to implement pre-flight risk-analysis programs (§135.615): This proposal would require that certificate holders outline procedures for conducting pre-flight risk-analysis programs in their operations manuals.

The following estimate corresponds to section A.1.d. of the economic evaluation.

*Cost to helicopter air ambulance operators to develop a pre-flight risk analysis program*

Air ambulance operators = 73

Time needed to develop risk analysis program = 60 hours

Salary of helicopter pilot = \$48 per hour

First-year cost

Cost:  $73 \times 60 \times \$48 = \$210,240$

Time:  $73 \times 60 = 4,380$  hours

Subsequent years: Per-year costs

Cost: \$0

Time: 0 hours

Total over 10 years

Cost: \$210,240

Time: 4,380 hours

Average per year

Cost:  $\$210,240 / 10 = \$21,024$

Time:  $4,380 \text{ hours} / 10 = 438$  hours

*Cost for pilots to perform a pre-flight risk analysis before each flight*

Air ambulance Helicopters = 989  
 Operations per year per aircraft = 367  
 Time needed for risk analysis = 10/60 hour  
 Salary of helicopter pilot = \$48 per hour

First-year cost  
 Cost:  $989 \times 367 \times (10/60) \times \$48 = \$2,903,704$   
 Time:  $989 \times 367 \times (10/60) = 60,494$  hours

Subsequent years: Per-year costs  
 Cost:  $989 \times 367 \times (10/60) \times \$48 = \$2,903,704$   
 Time:  $989 \times 367 \times (10/60) = 60,494$  hours

Total over 10 years  
 Cost:  $\$2,903,704 \times 10 = \$29,037,040$   
 Time:  $60,494 \text{ hours} \times 10 = 604,940$  hours

Average per year  
 Cost:  $\$29,037,040 / 10 = \$2,903,704$   
 Time:  $604,940 \text{ hours} / 10 = 60,494$  hours

- Require air ambulance operators with 10 or more helicopters to have an operations control center to communicate with pilots, advise pilots of weather conditions, and provide flight-following services (§135.617): This proposal would require certificate holders to train and test operations control specialists and retain records on those employees.

The following estimate corresponds to section A.1.b. of the economic evaluation.

*Cost of Maintaining Records for the Operations Control Specialists' Training and Examinations*

Operations control specialists = 288  
 Time needed for a clerical person to maintain records of the training and examinations = 5/60 hour  
 Salary of clerical person = \$26 per hour

First-year cost  
 Cost:  $288 \times (5/60) \times \$26 = \$624$   
 Time:  $288 \times (5/60) = 24$  hours

Subsequent years: Per-year costs  
 Cost:  $288 \times (5/60) \times \$26 = \$624$   
 Time:  $288 \times (5/60) = 24$  hours

Total over 10 years  
 Cost:  $\$624 \times 10 = \$6,240$   
 Time:  $24 \text{ hours} \times 10 = 240$  hours



Average per year

Cost:  $\$6,240 / 10 = \$624$

Time:  $240 \text{ hours} / 10 = 24 \text{ hours}$

- Require additional VFR flight planning (\$135.613): This proposal would require helicopter air ambulance pilots to perform pre-flight planning. Certificate holders would need to outline procedures for pre-flight planning in their operations manuals.

The following estimate corresponds to section A.1.c. of the economic evaluation.

*Cost to helicopter air ambulance operators to establish procedures to evaluate, analyze, and use additional VFR flight planning in their operations manuals*

Air ambulance helicopters = 989

Operations per year per aircraft = 367

Time needed for the flight planning = 5/60 hour

Salary of helicopter pilot = \$48 per hours

First-year cost

Cost:  $989 \times 367 \times (5/60) \times \$48 = \$1,451,852$

Time:  $989 \times 367 \times (5/60) = 30,247 \text{ hours}$

Subsequent years: Per-year costs

Cost:  $989 \times 367 \times (5/60) \times \$48 = \$1,451,852$

Time:  $989 \times 367 \times (5/60) = 30,247 \text{ hours}$

Total over 10 years

Cost:  $\$1,451,852 \times 10 = \$14,518,520$

Time:  $30,247 \text{ hours} \times 10 = 302,470 \text{ hours}$

Average per year

Cost:  $\$14,518,520 / 10 = \$1,451,852$

Time:  $302,470 \text{ hours} / 10 = 30,247 \text{ hours}$

- Light-weight aircraft recording system (LARS) on helicopter air ambulances: The FAA is seeking comment on whether to require that certificate holders install LARS on their helicopter air ambulances and outline procedures for evaluating and using LARS data in their operations manuals.

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The following estimate corresponds to section A.2.b. of the economic evaluation.

*One-time cost to helicopter air ambulance operators to install LARS*

Helicopter air ambulances = 989

Unit cost to equip with LARS= \$6,450

First-year cost

$$\text{Cost: } 989/3 \times \$6,450 = \$2,126,350$$

Subsequent 2 years: Per-year costs

$$\text{Cost} = 989/3 \times \$6,450 = \$2,126,350$$

Total over 10 years

$$\text{Cost} = \$2,126,250 \times 3 = \$6,379,050$$

Average per year

$$\text{Cost} = \$6,349,050 / 10 = \$637,905$$

*Cost for LARS software*

Helicopter air ambulances = 989

Cost for LARS software = \$750

First-year cost

$$\text{Cost} = 989/3 \times \$750 = \$247,250$$

Second-year cost

$$\text{Cost} = 989 \times (2/3) \times \$750 = \$494,500$$

Subsequent years: Per-year costs

$$\text{Cost} = 989 \times \$750 = \$741,750$$

Total over 10 years

$$\text{Cost} = \$247,250 + \$494,500 + \$741,750 \times 8 = \$6,675,750$$

Average per year

$$\text{Cost} = \$6,675,750/10 = \$667,575$$

*Cost to helicopter air ambulance operators to establish procedures to evaluate, analyze, and use LARS data in their operations manuals*

Air ambulance operators = 73

Time needed for chief pilot = 2 hours

Time needed for a clerical person = 6 hours

Salary of chief pilot = \$53 per hour

Salary of clerical person = \$26

First-year cost

$$\text{Cost: } [73 \times 2 \times \$53] + [73 \times 6 \times \$26] = \$19,126$$

$$\text{Time: } [73 \times 2] + [73 \times 6] = 584 \text{ hours}$$

Subsequent years: Per-year costs

Cost: \$0

Time: 0 hours

Total over 10 years

Cost: \$19,126

Time: 584 hours

Average per year

Cost:  $\$19,126 / 10 = \$1,913$

Time:  $584 \text{ hours} / 10 = 58.4 \text{ hours}$

- Require that medical personnel on board helicopter air ambulance flights either receive a supplemental safety briefing or safety training in lieu of a pre-flight briefing (\$135.619): Certificate holders choosing the option to provide safety training would be required to retain training records on those employees.

The following estimate corresponds to section A.1.e. of the economic evaluation.

*Cost to certificate holder for documenting the training provided to medical personnel*

Medical personnel = 10,965

Time needed for a clerical person to document the training = 5/60 hour

Salary of Clerical Person = \$26 per hour

First-year cost

Cost:  $10,965 \times (5/60) \times \$26 = \$23,758$

Time:  $10,965 \times (5/60) = 914 \text{ hours}$

Subsequent years: Per-year costs

Cost:  $10,965 \times (5/60) \times \$26 = \$23,758$

Time:  $10,965 \times (5/60) = 914 \text{ hours}$

Total over 10 years

Cost:  $\$23,758 \times 10 = \$237,580$

Time:  $914 \text{ hours} \times 10 = 9,140 \text{ hours}$

Average per year

Cost:  $\$237,580 / 10 = \$23,758$

Time:  $9,140 \text{ hours} / 10 = 914 \text{ hours}$

- Require preparation of a load manifest by operators of all aircraft (not limited to multiengine aircraft) operated under part 135 (\$135.63): This would amend existing OMB

Control Number 2120-0039 by expanding the applicability from multiengine aircraft to all aircraft. The following, therefore, addresses single-engine aircraft only.

The following estimate corresponds to section C.2. of the economic evaluation.

Air ambulance aircraft (single-engine) = 108  
 Commercial aircraft (single-engine) = 3,752  
 Average number of takeoffs daily = 3  
 Technical time per takeoff= 5/60 hour  
 Salary of single-engine pilot= \$38 per hour

#### First-year cost

Cost = [(108) X (3) X (365) X (5/60) X (\$38)] + [(3,752) X (3) X (365) X (5/60) X (\$38)] = \$13,384,550

Time = [(108) X (3) X (365) X (5/60)] + [(3,752) X (3) X (365) X (5/60)] = 352,225 hours

Subsequent years: Per-year costs

Cost = [(108) X (3) X (365) X (5/60) X (\$38)] + [(3,752) X (3) X (365) X (5/60) X (\$38)] = \$13,384,550

Time = [(108) X (3) X (365) X (5/60)] + [(3,752) X (3) X (365) X (5/60)] = 352,225 hours

#### Total over 10 years

Cost = \$13,384,550 X 10 = \$133,845,500

Time = 352,225 hours X 10 = 3,522,250 hours

#### Average per year

Cost = \$133,845,500 / 10 = \$13,384,550

Time = 3,522,250 hours / 10 = 352,225 hours

- Require air ambulance operators that are required to have an operations control center to perform drug and alcohol testing on their operations control specialists (§§120.105 and 120.215)

The FAA believes that, because certificate holders currently administer and maintain records for drug and alcohol testing for other employees (approved under OMB Control Number 2120-0535), the cost for a clerical person to maintain these records would be negligible.

Summary of all Burden Hours and Costs:

	Section	Burden Hours	Cost	Number of years	Total Burden Hours	Total Burden Hours per year	Total Cost
1. Operations Control Specialists' Training	135.617	24	\$624	10	240	24	\$6,240
2. VFR Flight Planning	135.613	30,247	\$1,451,852	10	302,470	30,247	\$14,518,520
3. Developing pre-flight Risk Analysis	315.615	4,380	\$210,240	1	4,380	4,380	\$210,240
4. Performing Risk Analysis	135.615	60,494	\$2,903,704	10	604,940	60,494	\$29,037,040
5. Establish LARS Procedures		584	\$19,126	1	584	584	\$19,126
6. LARS Equipment		0	\$2,126,350	3	0	0	\$6,379,050
7. LARS Software		0	\$667,575	10	0	0	\$6,675,750
8. Training Medical Personnel	135.619	914	\$23,758	10	9,140	914	\$237,580
9. Load Manifest	135.63	352,225	\$13,384,550	10	3,522,250	352,225	\$133,845,500
Grand Totals					4,444,004	448,868	\$190,929,046
					Average cost per year		\$19,092,905

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

Per the analysis in question 12 above, the average annual cost for the LARS equipment and software over the next ten years will total \$1,305,480. The FAA notes that no proposed requirement is being set out in the NPRM for LARS. Rather the agency is asking for comments on whether LARS will provide data that is valuable in an accident investigation. (See item 2 above.)

	Average cost per year
LARS equipment	\$637,905
LARS software	\$667,575
<b>TOTAL</b>	<b>\$1,305,480</b>

**14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, and other expenses that would not have been incurred without this collection of information.**

There would be no cost to the Federal government.

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

These would be new collections, therefore this constitutes a program change.

**16. 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.**

There is no plan for tabulation or publication.

**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.**

No such approval would be sought.

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

There would be no exceptions.