

## **SUPPORTING STATEMENT**

### Exemptions for Air Taxi Registration and Amendments

#### **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 Registration, establishes a classification of air carriers known as air taxi operators that offer on-demand (charter) 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 economic authority by filing a one-page, front and back, OST Form 4507, Air Taxi Operator Registration, and Amendments under Part 298 of the Regulations of the Department of Transportation (DOT).

Part 298 identifies the economic and insurance requirements for these carriers. Under Part 298, air taxi operators are required to register with the Federal Aviation Administration (FAA) and provide proof of liability insurance for all of the aircraft used by the operator. The functions involving registration for air taxi operators was previously transferred from the DOT, Office of the Secretary (OST), Office of Aviation Analysis, to the Federal Aviation Administration (FAA), Flight Standards Service. The responsibility for this collection of information has been transferred back to OST effective May 1, 2012.

OST is requesting that OMB grant Emergency Clearance processing for OST's Information Collection Request (ICR) related to air taxi registration and amendments because this information is currently collected under OMB Control No. 2120-0633, which is assigned to the FAA, and that collection expires and will be cancelled on April 30, 2012. Therefore, OST is requesting a new control number. Going through the normal approval process would interrupt OST's ability to register air taxi operators or to permit existing air taxi operator to make changes to their businesses, which are typically small businesses, causing economic harm.

This information collection supports the Department of Transportation's strategic goals on safety and security. Certification of economic 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 meets the Department's criteria for an economic 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 DOT to assure that liability insurance exists for these aircraft. This identification of aircraft is also important from a safety standpoint. It requires an

airworthiness check on the aircraft before the air 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 air carrier is required to provide citizenship information which enable the Department to ensure that the company qualifies as a U.S. citizen under the statute. If Part 298 and OST Form 4507 did not exist, the air carriers would be required to endure an economic fitness proceeding. This would be much more costly for the air 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 air 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 are used by the DOT. In response to the Government Paperwork Elimination Act (GPEA), the form is available on the Internet, facilitating easy access by the user and submissions are accepted via email, fax or mail.

**4. *Describe efforts to identify duplication.***

To our knowledge, the air carriers are not required to provide this information with any other organization other than 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-I), 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 air carrier's operation. If the information on the form does not change, the air carrier will never again be required to file that form with DOT. Also, as noted in #3 above, electronic submission is available 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.**

Air carriers are required to submit OST Form 4507 and the technical, legal and safety obstacles are described in #1 and #2 above.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent 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 February 28, 2012, vol. 77, no. 39, page 12103. 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 all respondents is estimated as a total of **1,300 hours** and **\$34,100.00 annually**. For *air taxis operators* there are approximately 200 new applicants and 2,200 amendments annually. The filing fee is \$8.00 for new applicants, there is no filing fee for amendments. The estimated air taxi industry rate for one-man hour is \$25.00 per hour.

The air taxi estimates are based on FAA experience from CY 2006-2009. Numbers are expected to remain relatively constant over the next few years.

### SUMMARY TABLE

	<b># of Responses</b>	<b>Responses per Applicant</b>	<b>Hrs. per Response</b>	<b>Total Burden Hours</b>	<b>Rates</b>	<b>Total Hour Costs</b>	<b>Filing Fee</b>	<b>Total Fees</b>	<b>Total Costs</b>
<b>New Applications</b>	200	1	1.0	200 hours	\$25/hr	\$5,000	\$8	\$1,600	
<b>Amendments</b>	2,200	1	0.5	1,100 hours	\$25/hr	\$27,500	\$0	0	
<b>Total</b>	<b>2,400</b>			<b>1,300 hours</b>		<b>\$32,500</b>		<b>\$1,600</b>	<b>\$34,100</b>

#### **Explanation**

##### *Total Burden Hours*

(200 New Applications x 1 Response x 1 Hour) + (2200 Amendments x 1 Response x 0.5 hours) = 1,300 hours

##### Time Per Response

1,300 Hours / 2400 Responses = 0.54167 hours or 32.5 minutes

##### *Total Cost Hours*

(200 Hours x \$25/hr) + (1,100 Hours x \$25/hr) = \$32,500

##### *Filing Fees*

(200 New Applications x \$8/Responses) = \$1,600

##### *Total Costs*

\$32,500 Burden Hours + \$1,600 Fees = \$34,100 (due to rounding, ROCIS will show annual cost burden of \$34,099)

##### Average Annual Cost per Respondent

(\$34,100 Costs / 2400 Respondents) = \$14.208/year

**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 OST Form 4507 is approximately \$180,000 annually. This represents two man-years at FV-I spending 100% of 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.**

In 2004, the Department amended Part 298 to eliminate the requirement for commuter air carriers, a class of air carriers, to file OST Form 4507 with the Department. However, due to the sharing of responsibilities for this program between OST and FAA, the collection renewals filed by the FAA in subsequent years did not reflect the elimination of this requirement. The collection approval that DOT is currently requesting reflects this program change and reinitiates without gaps the collection responsibility under OST. This is a new information collection under OST.

**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.