

# Department of Transportation

## SUPPORTING STATEMENT

### **AIRLINE WEB SITE DISABILITY ACCOMMODATION PASSENGER REQUEST FORM AND DISCLAIMER NOTICE**

#### *New Collections*

1. 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 Department of Transportation amended its rule implementing the ACAA (14 CFR Part 382, Nondiscrimination on the Basis of Disability in Air Transportation) to require U.S. and foreign air carriers that operate at least one aircraft having a seating capacity of more than 60 passengers to make their primary Web sites that market air transportation to the general public in the U.S. accessible to individuals with disabilities. Among the features carriers must implement on their accessible web sites by December 12, 2015, is an online service request form for passengers to request disability accommodations required by Part 382 to enable access to air transportation.

These information collections support the DOT strategic goal of increasing access to transportation services for all by 1) providing passengers with disabilities an effective and convenient mechanism to communicate in advance the accommodations they need to access air transportation, and 2) notifying users accessing a third-party application or external web site from the carrier's Web site that the same accessibility features and policies may not be available. In addition, the latter information collection is necessary to comply with the Web Content Accessibility Guidelines (WCAG) standard 2.0, Level AA, mandated by the November 2013 final rule amending Part 382.

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.*

#### *Online service request form*

The Department is requiring carriers to create and make an online service request form available on their Web sites for passengers with disabilities to request services required by Part 382, including but not limited to, wheelchair assistance, seating accommodation, escort assistance for a visually impaired passenger, and stowage of an assistive device. At their discretion, carriers may require passengers with disabilities making an online service request to provide personal information (e.g., telephone number, email address) that the carrier can use to contact passengers about their accommodation needs. The electronic request form is intended to allow passengers to create and transmit a service request directly to a carrier before a flight. Carriers may use the

service request information to facilitate appropriate, timely assistance to their passengers. Carriers may also use their online service request data in aggregated form to plan for the types and volume of service requests they receive across time periods and routes.

*Web Site disclaimer notice*

The Department has required that carriers create and display an electronic disclaimer notice that will be visible when a user clicks a link on a carrier's accessible Web site to access a third-party Web site or software application. The disclaimer notice serves to notify individuals with disabilities that such third-party Web sites and applications are not within the carrier's control and may not be accessible. The notice to users provided by the disclaimer also ensures that the carrier remains in compliance with the WCAG 2.0 standard should the third-party Web site or application not meet the accessibility standards.

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.*

*Online service request form*

The online service request form will enable passengers to create an electronic record of their accommodation request and transmit it directly to the carrier, reducing the risk of miscommunication or loss of information that may occur when a service request is made over the phone through a customer service representative. It will also enable the carrier to transmit the service request more efficiently to staff members responsible for providing the service.

*Web Site disclaimer notice*

The electronic disclaimer notice is the most direct and efficient way to inform individuals with disabilities that a third-party Web site or application accessed from a carrier's Web site is not within the carrier's control and may not be accessible.

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.*

*Online service request form*

Most carriers provide a reservations or customer service telephone number that passengers may call to make a service request through an agent. Carrier staff reductions and long call queues to reach an agent have made request service by phone a formidable and time consuming process. While carriers may continue to take service requests over the phone, the web site form will provide an alternative, not a duplicate, method for passengers to independently request and electronically submit to the carrier their requests for flight-related disability accommodations.

*Web Site disclaimer notice*

There is no equivalent method for notifying users of a carrier's Web site that third-party Web sites or applications accessed from the carrier's Web site are not within the carrier's control and may not be accessible.

5. Efforts to minimize the burden on small businesses. *If the collection of information impacts small businesses or other small entities 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 U.S. or foreign air 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 applies to U.S. and foreign carriers that use at least one aircraft with a design capacity of more than 60 passengers.

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.*

*Online service request form*

In the absence of an electronic service request form, passengers will continue to rely on a phone call to the carrier's customer service or reservation line to request a disability accommodation in advance or will make their requests initially upon arriving at the check-in counter on the day of the flight.

*Web Site disclaimer notice*

There is no simpler, more straightforward alternative for notifying Web site users about the potential accessibility limitations of a third party Web site or software than the disclaimer notice.

7. Special circumstances. *Explain any special circumstances that would affect the manner in which an information collection is to be conducted:*

There are no special circumstances requiring information to be collected in any manner other than as 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.*

Notice and public comment were solicited with publication in the Federal Register of *Accessibility of Web Sites and Automated Kiosks at U.S. Airports*, on November 12, 2013, (78 FR 67882, page 67912) which initiated a 60-day public comment period. No comments were received.

9. Payments or gifts to respondents. *Explain any decision to provide a payment or gift to respondents, other than enumeration of contractors or grantees.*

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 accomplish these changes to their Web sites 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.*

The Department has authority to regulate unfair and deceptive practices or unfair methods of competition in air transportation or the sale of air transportation. Violating the privacy of airline passengers is an unfair and deceptive practice if the airline violates the terms of its stated privacy policy or gathers or discloses private information in a way that violates public policy, is immoral, or causes substantial consumer injury not offset by any countervailing benefits.

11. 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.*

#### *Online service request form*

Potentially sensitive information that a carrier may collect is about a passenger's disability accommodation needs. Disclosure of a passenger's disability is not required or encouraged under this information collection request; however, a passenger may disclose his/her disability in the online request form. A carrier may require passengers to include their contact information in their online service requests, information already available to the carrier in the passengers' reservation records, so that the carrier can contact the passenger for further instruction or clarification if needed.

#### *Web Site disclaimer notice*

No questions regarding sensitive information of any kind are required in connection with this information collection request.

12. Estimate of burden hours for information requested: *Provide estimates of the hour burden of the collection of information.*

*Respondents:* U.S. and foreign air carriers that operate at least one aircraft having a designed seating capacity of more than 60 passengers and own or control a primary Web site that markets passenger air transportation to the general public in the United States.<sup>1</sup>

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<sup>1</sup> While there are approximately 175 U.S. and foreign air carriers that conduct passenger-carrying service to, from, or in the United States with at least one aircraft having a designed seating capacity of more than 60 seats, not all of those carriers have a primary Web site that markets passenger air transportation to the general public in the U.S. The Department estimates that approximately 135 of those 175 carriers are subject to the Department's Web-accessibility requirements.

<b>Requirements</b>	<b>Number of Respondents</b>	<b>Frequency (per year)</b>	<b>Estimated Annual (One-Time) Burden (per respondent)</b>	<b>Estimated Total Annual Burden (all respondents)</b>
Create online disability service request form	135	One time only, unless carrier voluntarily elects to add new	32	4,320 hours
Create Web site disclaimer notice	135	A disclaimer must be associated with each new link to an external Web site or to a third party software application added to the carrier's Web site.	6	810 hours
Online Service Request - No Reporting Requirement	0	0	0	0
Web site disclaimer notice - No Reporting Requirement	0	0	0	0
Online Service Request - No Record Retention Requirement	0	0	0	0
Web site disclaimer notice - No Record Retention Requirement	0	0	0	0

***Estimated Number of Respondents:*** 135

***Frequency:***

- One time burden on carriers to create, post, and test the service request form on their Web sites; and one time burden on carriers to create, post and test the disclaimer notice on their Web sites; recurring burden on carriers to associate the disclaimer notice with new links to external Web sites and third party software added to their Web sites.

***Estimated Annual Burden on Respondents:***

- For the requirement to create, post, and test the service request form on their Web sites, we estimate no annual burden unless the carrier voluntarily elects to modify or improve the form.
- For the requirement to create, post, and test the disclaimer notice on their Web sites, we estimate less than 30 minutes a year for each carrier to associate the notice with any new links to external Web sites and third party software added to their Web sites.

***Estimated Total Annual Burden:***

- For the requirement to create, post, and test the service request form on their Web sites, we estimate no annual burden for carriers unless they voluntarily elect to modify or improve their forms.
- For the requirement to create, post, and test the disclaimer notice on their Web sites, we estimate less than 4,050 minutes (135 respondents x 30 minutes) a year for all carriers to associate the notice with any new links to external Web sites and third party software added to their Web sites.

13. Estimate of total annual costs to respondents. *Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the costs of any hour burden shown in items 12 and 14).*

Yearly costs to industry estimated to be \$0, as Web site development and maintenance tasks are normal tasks performed by carrier personnel and any additional work related to this collection of information is minimal (e.g., attaching an existing disclaimer to a new link).

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.*

No cost anticipated to the Federal government.

15. Explanation of program changes or adjustments. *Explain the reasons for any program changes or adjustments reported in items 12, 13 or 14.*

Not applicable.

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.*

Not applicable.

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.*

Not applicable.

18. Exceptions to certification statement. *Explain each exception to the certification statement "Certification for Paperwork Reduction Act Submissions."*

Not applicable.