

Department of Transportation Office of the Chief Information Officer

SUPPORTING STATEMENT:

SUBMISSION OF TARMAC DELAY EMERGENCY CONTINGENCY PLANS PURSUANT TO FAA MODERNIZATION AND REFORM ACT

OMB Control Number 2105-0566

INTRODUCTION AND BACKGROUND

This is a request for OMB reinstatement of control number 2105-0566. The FAA Modernization and Reform Act, which was signed into law on February 14, 2012, required the Department to review and approve emergency contingency plans within a short timeframe. Accordingly, under emergency review procedures, OMB approved the collection of emergency contingency plans until November 30, 2012, under OMB Control Number 2105-0566.

The Act required U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with a design capacity of 30 or more seats, and operators of large hub, medium hub, small hub, or non-hub U.S. airports, to submit emergency contingency plans for lengthy tarmac delays to the Secretary of Transportation for review and approval no later than May 14, 2012. The Act also required each covered air carrier and airport to ensure public access to its plan after DOT approval by posting the plan on its website. In addition to requiring the initial submission of emergency contingency plans, the Act requires U.S. air carriers to submit an updated plan every 3 years and covered airport operators to submit an updated plan every 5 years. The information collection requirements are specifically required by statute and are not being imposed as an exercise of the Department's discretion.

On April 16, 2012, the Department submitted for review and clearance information collection requests regarding submission of tarmac delay plans to the Department. OMB previously approved of this information collection. The Department then issued a notice in the Federal Register stating how covered U.S. carriers and airports should submit the required plans to the Department through an online system (77 FR 27267, May 9, 2012). In 2012, the Department created an online system allowing covered U.S. air carriers and airports to submit plans online. Pursuant to the requirements of the Act, the Department reviewed and approved emergency contingency plans submitted by over 450 covered air carriers and airports.

The Department is now seeking reinstatement of the OMB control number to collect plan updates for covered U.S. air carriers and airport operators. The OMB control number also covers posting of plans on carrier and airport websites.

JUSTIFICATION

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.***

These information collection requirements are specifically required by statute and are not being imposed as an exercise of the Department's discretion.

Specifically, the FAA Modernization and Reform Act (the "Act"), which was signed into law on February 14, 2012, required U.S. air carriers that operate scheduled passenger service or public charter service using any aircraft with a design capacity of 30 or more seats, and operators of large hub, medium hub, small hub, or non-hub U.S. airports to submit contingency plans for lengthy tarmac delays to the Secretary of Transportation for review and approval no later than May 14, 2012.

In addition to requiring the initial submission of emergency contingency plans, the Act requires U.S. air carriers to submit an updated plan every 3 years and airport operators to submit an updated plan every 5 years.

The Act also requires each covered air carrier and airport to ensure public access to its plan after DOT approval by posting the plan on its website.

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.***

The Act required an initial collection of information in 2012 and collection of updated information at designated intervals. In addition, the Act required covered airports and carriers to post the information on websites. The contingency plans provide information to the Department and the public regarding certain carrier and airports' contingency plans for tarmac delays.

The initial requirement of the Act was for certain U.S. air carriers and U.S. airports to submit emergency contingency plans for lengthy tarmac delays to the Secretary of Transportation for review and approval no later than May 14, 2012. The initial submission, review, and approval process was completed. The Act further requires U.S. air carriers to submit an updated plan every 3 years and airport operators to submit an updated plan every 5 years.

U.S. air carrier emergency contingency plans must contain a provision that a passenger shall have the option to deplane an aircraft and return to the airport terminal when there is an excessive tarmac delay (3 hours for domestic flights and 4 hours for international flights) at each large hub, medium hub, small hub, or non-hub U.S. airport at which they operate scheduled or public charter air service, with the following exceptions: (1) where an air traffic controller with authority over the aircraft advises the pilot in command that

permitting a passenger to deplane would significantly disrupt airport operations; or (2) where the pilot in command determines that permitting a passenger to deplane would jeopardize passenger safety or security. The deplaning option also must be offered to a passenger if the flight in covered air transportation is diverted to a commercial airport other than the originally scheduled airport. Under the Act, U.S. carrier contingency plans must also contain a description of how the carrier will: (1) provide adequate food, potable water, restroom facilities, comfortable cabin temperatures, and access to medical treatment for passengers onboard an aircraft when the departure of a flight is delayed or disembarkation of passengers is delayed; and (2) share facilities and make gates available at the airport in an emergency. Airport contingency plans must contain a description of how the airport operator, to the maximum extent practicable, will: (1) provide for the deplanement of passengers following excessive tarmac delays; (2) provide for the sharing of facilities and make gates available at the airport in an emergency; and (3) provide a sterile area following excessive tarmac delays for passengers who have not yet cleared U.S. Customs and Border Protection.

Covered carriers consist of U.S. air carriers that operate scheduled passenger service or public charter service using any aircraft with a designed capacity of 30 or more seats. Covered airports consists of operators of large hub, medium hub, small hub, or non-hub U.S. airports.

The Act also requires that each covered carrier and airport ensure public access to its plan after DOT approval by posting the plan on its website.

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.***

The Department's Enforcement Office established an online filing system that enables covered U.S. airlines and airports to file emergency contingency plans via the internet. Covered U.S. air carriers and airports must also post their plans on their own website if they have one.

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 purpose(s) described in 2 above.***

Not applicable. The information collection requirements are specifically required by statute and are not being imposed as an exercise of the Department's discretion. The Department is not adding to the statutorily-required collection.

5. Efforts to minimize the burden on small businesses. ***If the collection of information has a significant impact on a substantial number of small businesses or other small entities, describe the methods used to minimize burden.***

The statutory information collection requirement is not expected to have a significant economic impact on a substantial number of small entities. The Department has also minimized the costs to entities by establishing a simple online system for submitting statutorily required data.

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.

The information collection requirements are specifically required by statute and are not being imposed as an exercise of the Department's discretion. If the collection is not conducted, covered carriers and airports will be in violation of the statutory requirements, as would the Department.

7. Special circumstances. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with 5 CFR 1320.5(d)(2)(i)-(viii):

The collection of information is consistent with 5 CFR 1320.5(d)(2)(i)-(viii).

8. Compliance with 5 CFR 1320.8. Describe the 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 the recordkeeping disclosure, or reporting format (if any) and on the data elements to be recorded, disclosed, or reported.

Since the collection of specific information is imposed by statute, this section is not applicable. However, the Department published a notice in the Federal Register requesting public comment on the requirement on June 2, 2015 (80 FR 31455). No comments were received. A 30-day notice was published on June 17, 2016 (81 FR 39750).

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

There are no payments or gifts in this statute.

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

There are no such assurances in this statute.

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.

There are no questions of this nature.

12. Estimate of burden hours for information requested. *Provide estimates of the hour burden for 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 for approval covers more than one form, provide separate hour burden estimates for each form.*

A. Requirement to submit tarmac delay plan to DOT for review and approval

Respondents: Each large, medium, small and non-hub airport in the U.S.; U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with a design capacity of 30 or more seats.

Estimated Number of Respondents: 420 U.S. airports and 65 U.S. airlines

Estimated Total Frequency: Every 5 years for covered U.S. airports; every 3 years for covered U.S. airlines.

Estimated Total Burden on Respondents: For U.S. airports - 247.5 hours (25 airports not covered in 2012 x 2 hours) + (395 existing airports x .5 hours) = 247.5 hours. This estimate is based on the following facts: Tarmac delay plans for submission are general in nature and do not consist of extensive airport-specific customization. Airport associations have prepared templates for use by U.S. airports which require very little additional information to be customized for individual airports. Airport associations' templates have been the template for most of the airport plans submitted. For an airport that had not prepared and submitted a plan to meet the requirement in 2012 (25 airports), we estimate 2 hours to review the templates, to prepare by entering the airport-specific information, and to submit the plan through the Department's electronic submission system. We estimate there are or will be approximately 25 airports that will be newly covered by the Act by the next submission deadline and that did not previously submit plans to meet the requirement in 2012. For U.S. airports that have already prepared and submitted a plan and will continue to be subject to this requirement (395 airports), they will need to review and update the plan through the Department's electronic submission system. We estimate .5 hour for these 395 airports to review, update, and submit the plan through the Department's electronic submission system.

For U.S. airlines - 40 hours (60 existing carriers x .5 hours) + (5 new carriers x 2 hours) = 40 hours. Airline plans for submission generally are not very detailed and provide only the level of information required to meet the statutory requirement. Although airlines often choose to prepare more detailed plans for internal use, the submitted plans are brief. In addition, currently operating U.S. carriers are already required to have such plans in place since this is a continuing requirement and the statute has already been in place since 2012. Therefore we estimate that most covered U.S. carriers (an estimated 60) will spend .5 hour to review, update, and submit the plan through the Department's electronic

submission system. We estimate that up to 5 U.S. carriers may meet the threshold for the filing requirement, but may not have submitted a plan previously. We estimate those carriers will spend 2 hours to prepare and submit the plan through the Department's electronic submission system.

Frequency: Every 5 years for covered U.S. airports; every 3 years for covered U.S. airlines.

B. Requirement to ensure public access to tarmac delay plan after DOT approval (as required by the Act).

Respondents: Each large, medium, small and non-hub airport in the U.S.; U.S. carriers that operate scheduled passenger service or public charter service operating to or from the United States, using any aircraft with a design capacity of 30 or more seats.

Estimated Number of Respondents: 420 U.S. airports and 65 U.S. airlines

Estimated Total Frequency: Every 5 years for covered U.S. airports; every 3 years for covered U.S. airlines (if not already posted or if there are updates).

Burden on Respondents: 121.25 (Average of 15 minutes per respondent (420 U.S. airports and 65 U.S. airlines) to post current plan on website).

13. Estimate of total annual costs to respondents. *Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.*

The Department estimates that the total cost burden to respondents resulting from the requirement to prepare and submit tarmac delay plans to DOT for review and approval will be \$12,158.38. This is estimated by summing the costs to U.S. airports (\$10,466.78) and the costs to U.S. carriers (\$1,691.60).

For U.S. airports, the estimate is calculated by multiplying the number of hours (2 hours per U.S. airport for newly reporting airports and .5 hours for airports updating a plan that it has reported in the past) necessary to prepare and submit the plan through the electronic submission system by the cost of an hour of time for a paralegal (wage including benefits and oversight) at \$42.29 per hour (the median hourly wage for paralegals for scheduled air transportation).¹

¹ Source for wage information: http://www.bls.gov/oes/current/naics4_481100.htm May 2014 National Industry-Specific Occupational Employment and Wage Estimates NAICS 481100 - Scheduled Air Transportation. We account for benefits by multiplying wage rate by 1.464 (based on the March 2015 BLS Employer Costs for Employee Compensation ratio of total compensation to wages & salaries) <http://www.bls.gov/news.release/ecec.t02.htm>.

For U.S. Carriers, the estimate is calculated by multiplying the number of minutes (.5 hour per U.S. carrier) necessary to prepare and submit the plan through the electronic submission system by the cost of an hour of time for a paralegal (wage including benefits and oversight) at \$42.29 per hour (the median hourly wage with benefits for paralegals for scheduled air transportation).

The Department estimates that the total cost burden to respondents resulting from the requirement that each covered carrier and airport ensures public access to its plan after DOT approval by posting the plan on its website will be \$7,792.31. This is estimated by summing the costs to the U.S. carriers (\$944.76) and the costs to U.S. airports (\$6,827.55).

The estimate is calculated by multiplying the number of minutes (.25 hour per U.S. carrier and per U.S. airport) necessary to submit the plan through the electronic submission system by the cost of an hour of time for a programmer (wage including benefits and oversight) at \$59.37 per hour (the median hourly wage with benefits for computer programmers for scheduled air transportation).²

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

There was a minimal cost to the federal government of setting up an online submission system where U.S. airlines and airports can submit their required plans. This cost has already been incurred and accounted for and is not a recurring cost.

15. Explanation of program changes or adjustments. *Explain the reasons for any program changes or adjustments reported.*

There are no program changes or adjustments.

16. Publication of results of data collection. *For collections of information whose results are planned to 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.*

We are not planning on publishing or posting the submitted tarmac delay plans, as the airlines and airports are required by statute to post the approved plans on their websites.

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 collections, explain the reasons that display would be inappropriate.*

Not applicable.

² *Ibid.*

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

Not applicable.