

Supporting Statement for Paperwork Reduction Act Submissions

Pilots with Alcohol or Drug Related Motor Vehicle Offenses (14 Code of Federal Regulations (CFR) Parts 61 and 67).

A. Justification

- 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.**

49 U.S.C. Chapter 447 Section 44701 establishes that the Administrator of the Federal Aviation Administration (FAA) shall promote safe flight of civil aircraft in air commerce by prescribing regulations and minimum standards for other practices, methods, and procedure the Administrator finds necessary for safety in air commerce and national security.

49 U.S.C. Chapter 447 Section 44703 authorizes the Administrator to issue an airman certificate to an individual when the Administrator finds, after investigation, that the individual is qualified for, and physically able to perform the duties related to, the position to be authorized by the certificate.

In November 1990, the FAA implemented Title 14 Code of Federal Regulations (CFR) Part 61 § 61.15, specifically addressing offenses involving alcohol or drugs by certificated airmen.

Title 14 CFR Part 61 § 61.15(e) states:

Each person holding a certificate issued under this part shall provide a written report of each motor vehicle action to the FAA, Civil Aviation Security Division (AMC-700), P.O. Box 25810, Oklahoma City, OK 73125, not later than 60 days after the motor vehicle action. The report must include:

- (1) The person's name, address, date of birth, and airman certificate number;
- (2) The type of violation that resulted in the conviction or the administrative action;
- (3) The date of the conviction or administrative action;
- (4) The State that holds the record of conviction or administrative action; and
- (5) A statement of whether the motor vehicle action resulted from the same incident or arose out of the same factual circumstances related to a previously reported motor vehicle action.

It is imperative the FAA collect this information to either address a potential drug or alcohol abuse problem or to take action against the certificates held by an airman displaying such a reckless disregard for laws and regulations which is incompatible with pilot certification.

Additionally, pilots convicted of alcohol or drug related offenses present an increased safety risk and may not meet the medical standards contained in the Federal Aviation Regulations (FAR). Pursuant to the FAA's statutory authority noted above, the FAA considers that information related to any such conviction is necessary to properly determine the suitability of an individual applying for an airman medical certificate.

- 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 FAA has made of the information received from the current collection.**

This collection is mandatory for all certificated airmen involved with alcohol or drugs motor vehicle offenses. On each occasion of an offense, airmen must report specific information concerning the offense.

The FAA's Security and Hazardous Materials Safety, Office of National Security Programs and Incident Response, Regulatory Investigations Division, DUI/DWI Investigations Branch, AXE-710, is the office of record for all reports sent in pursuant to Title 14 Part 61 § 61.15(e). This office is responsible for ensuring compliance with the regulations by comparing the submitted information against official records from the Department of Motor Vehicles.

To enhance the safety of aviation transportation, this office conducts investigations on those airmen who may prove unsuitable for airman certification as indicated by an inability or unwillingness to comply with general safety regulations and, those persons who have failed to report violations of general safety regulations in concert with established FAA requirements. This office then recommends either a compliance action, administrative action, or legal enforcement action if a violation has occurred.

This office also shares this information with Aviation Safety, the Office of Aerospace Medicine, Civil Aerospace Medical Institute (CAMI) AAM-313, for their requirements to evaluate the qualifications of that airman to hold a medical certificate.

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.

Pilots are required to provide, in writing, information pertaining to the alcohol or drug related motor vehicle conviction or administrative action. Our website http://www.faa.gov/about/office_org/headquarters_offices/ash/ash_programs/investigations/airmen_duidwi/ includes an electronic form which can be customized, printed, and submitted via US Mail or facsimile.

We are exploring digital avenues airmen can use to electronically submit their letters. We must ensure that it can secure Personally Identifiable Information PII.

4. 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.

The information provided by the airmen is original and not found anywhere else. The only other time an airman is supposed to report alcohol or drug related motor vehicle actions is on the application for a medical certificate; however, this application may be years after the incident occurred and would not meet the 60-day timeframe required by regulations.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The collection of information at issue imposes no burden on small businesses or similar entities.

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.

The timely written submission provides for an immediate evaluation as authorized by Part 61 & Part 67, and enables the effective implementation of the enforcement provisions provided for in Part 61. To collect this information less frequently would inhibit the prompt enforcement of existing safety regulations. The FAA firmly believes that it is obligated to remove persons who pose a threat to the national airspace system as swiftly as possible.

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

There are no special circumstances requiring the collection of information to be conducted in a manner inconsistent with 5 CFR 1320.5(d)(2).

8. Describe efforts to consult with persons outside the FAA to obtain their views on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting format (if any), and the data elements to be recorded, disclosed, or reported.

A 60-day notice was published on November 30, 2017 (82 FR 56852) for public comment. No comments were received.

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

No consideration has been made to provide any remuneration or the payment of money or gifts for any respondent and none is contemplated at this time.

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

The information collected from respondents will only be handled by personnel with the requirement to perform those tasks, and included in the Privacy Act System of Records, FAA/DOT 847, "General Air Transportation Records on Individuals," and handled accordingly.

11. Provide additional justification for any questions of sensitive nature.

It may be argued that alcohol or drug related problems are of the type possibly considered sensitive; however, the FAA firmly believes that any personal interest in such information is manifestly outweighed by the public interest in ensuring aviation safety.

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

The FAA expects approximately **937** reports annually. We estimate that it will take approximately 10 minutes for the airmen to collect and document this portion of Part 61 requirements for an annual total of **156** hours.

Pilots submitting reports per 61.15e range from student pilots up to airline transport pilots. They are not required to detail their occupation, therefore, employment for the reports submitted is not known or tracked.

Hypothetically, if half of all reports were submitted by fully employed commercial pilots and airline transport pilots from the aviation industry, we could average the salaries¹ of commercial pilots (\$77,200) and airline transport pilots (\$127,820), which equals **\$102,510**. This salary divided by the annual work hours of 2,087 equals an hourly wage rate of **\$49.12**. This rate multiplied by the time it takes to submit half of the total number of reports (78 hours) would equal the annual burden of cost of **\$3,831.36**.

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

Material costs to the airmen will vary from zero to approximately **\$6.00** depending on the method of transmission (fax, regular mail or certified mail); we estimate the average annual cost to be **\$2,811.00**.²

14. Provide estimates of annualized cost to the Federal government.

The FAA expects approximately **937** reports annually. We estimate that it will take approximately 30 minutes for the contract staff to process this information through the administrative process, and approximately one hour for the average federal employee to work through all the technical processes associated with the collection of this information.

Estimated annual time would be **468.5** hours for the contract staff and **937** hours for the federal employees. The average hourly wage rate for the contract staff equaled **\$42.31**.
468.5 hours x \$42.31 contract staff hourly wage rate = \$19,822.24 annual cost for contract staff

The federal employee average salary including locality (**\$89,581**), adjusted for benefits by multiplying by 26%³, for those handling this work equaled **\$112,872.06**. To determine the average hourly rate, this salary (**\$112,872.06**) was divided by the total number of hours in a working year (2,087). The average hourly wage rate equaled **\$54.08**.

937 hours x \$54.08 wage rate = \$50,672.96 annual cost for federal employees

The annualized total cost is calculated by adding the cost paid to contract staff (**\$19,822.24**) to the cost paid to federal employees (**\$50,672.96**).

\$19,822.24 + \$50,672.96 = \$70,495.20 annualized cost to the federal government

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14.

Reports generated over the last three years shows the number of letters are declining. The program office has received an average of 248 less letters per year reporting alcohol or drug related motor vehicle actions taken against airmen since the last reporting 3 years ago. The use of electronics has caused an estimate of the cost for material to go down from \$3.5 to \$3.0 per response. Thus with the reduction in the cost of material and the reduction in the overall response numbers the material cost for this collection is reduced from \$4,148 to \$2,811.

¹ Salaries obtained from the Bureau of Labor Statistics <https://www.bls.gov/ooh/transportation-and-material-moving/airline-and-commercial-pilots.htm#tab-5>

² Annual number of notification letters (937) x \$3.00.

³ Percentage obtained from Security & Hazardous Materials Safety ASH, Office of Business & Mission Services
AXM

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

The FAA does not anticipate that the collected information at issue will 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.

An exemption is not being requested.

18. Explain each exception to the certification statement in Item 19.

There are no exceptions to the certification statement.