

Department of Transportation

SUPPORTING STATEMENT

REPORTING REQUIREMENTS FOR DISABILITY-RELATED COMPLAINTS

OMB Control No. 2105-0551

11. 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 Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; Pub. L. 106-181 (AIR 21), signed into law on April 5, 2000, requires, among other things, that the Secretary of Transportation “regularly review all complaints received by carriers alleging discrimination on the basis of disability and shall report annually to Congress on the results of such review.” The only way for the Department to review all of the complaints received by carriers is to require carriers to record and submit disability-related complaint data to the Department.

This information collection supports the DOT strategic goal of mobility by providing Congress and the public with information regarding the accessibility of air travel for passengers with a disability.

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.*

In order to implement the statutory requirements of AIR 21, the Department’s rule requires certificated U.S. and foreign carriers (operating at least one aircraft having a designed seating capacity of more than 60 seats) operating to, from, or within the U.S. that conduct passenger air service to record complaints that they receive alleging inadequate accessibility or discrimination on the basis of disability. The carriers must also categorize these complaints according to the type of disability and nature of the complaint, prepare a summary report annually of the complaints received during the preceding calendar year, submit the report to the Department’s Aviation Consumer Protection Division, and retain copies of correspondence and records of action taken on the reported complaints for three years. The rule requires carriers to submit their annual report via the World Wide Web (<http://382reporting.ost.dot.gov>) except if the carrier can demonstrate an undue burden in doing so and receives permission from the Department to submit it in an alternative manner. The reports of disability-related complaints received by carriers are due each year on the last Monday in January for the prior calendar year.

The Department submitted reports to Congress from 2005 through 2018 that contained both a summary and a detailed breakdown of the disability-related complaints that were filed by the carriers covered by this rule. The 2019 report to Congress will follow this same format. The reports have also been placed on the Aviation Enforcement Office's website (<http://www.dot.gov/airconsumer>) so that both consumers and air travel companies can compare the overall disability-related complaint records of individual airlines, including the number of disability complaints filed against particular carriers for specific service problems (e.g. refusal to board without an attendant). This system also serves as a basis for rulemaking, legislation and research. Further, our office uses the reports to track trends or spot areas of concern which we feel may warrant further action.

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.*

Carriers are required to submit their data to the Department through the World Wide Web (<http://382reporting.ost.dot.gov>). However, under limited circumstances, a carrier will be permitted to submit the data by paper copy, disk, or email if it can demonstrate hardship.

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.*

There is no similar information accumulated that could be used or modified for the purpose described in the answer for question 2 detailed above.

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 direct or foreign 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 is applicable to foreign and domestic carriers that utilize aircraft that have 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.*

If the collection is not completed the Department will be unable to comply with the statutory requirements of AIR 21 to review all complaints received by carriers and report annually to Congress.

7. Special circumstances. *Explain any special circumstances that would cause an information collection to be conducted in a manner:*

There are no special circumstances requiring information to be collected in any of the manners 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 Application to Renew Information Collection Request OMB No. 2105-0551, on December 20, 2018, volume 83, page 65393, which initiated a 60-day public comment period. No comments were received. A 30-day notice was published on March 11, 2019 (84 FR 8784).

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 file reports 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.*

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3The Privacy Act is applicable and will regulate the manner in which the Department will handle personal and corporate information. With respect to carriers, 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.

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111. 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.*

The sensitive information being collected is about a passenger's disability. A passenger's disability is often disclosed in the written complaints sent by the passenger. If this information is disclosed, then the airline is required to report this information to the Department. If the passenger does not self-disclose his/her disability, then the carrier would simply classify the disability as "other disability." The Department uses the data gathered to identify potential areas of concern and to meet the requirements of AIR 21.

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

Respondents: Certificated U.S. carriers and foreign carriers operating to and from the United States that conduct passenger air service with large aircraft

Requirements	Number of Respondents (an average of the total number of respondents that reported over the past three years)	Frequency	Estimated Annual Burden	Estimated Total Annual Burden
Record and Categorize Complaints Received	177	0 – 6,444 Complaints (a range of the lowest number of complaints and an average of the highest number of complaints received over the past three years)	8,148 hours (488,880 minutes) (time for all respondents to record and categorize each complaint [15 minutes] multiplied by the average total number of complaints received over the past three years [32,591] for all respondents)	8,148 hours (488,880 minutes) (time for all respondents to record and categorize each complaint [15 minutes] multiplied by the average total number of complaints received over the past three years [32,591] for all respondents)
Prepare and Submit Annual Report	177	1 report to DOT/year (for each respondent)	30 minutes a year (per each respondent)	88.5 hours (5,310 minutes) (estimated annual burden for all respondents [30 minutes] multiplied by the total number of respondents)
Retain Correspondences and Record of Action Taken	177	0 – 6,444 Complaints/year (A range of the lowest number of complaints and an average of the highest number of complaints received over the past three years for each respondent).	0 – 537 hours (0 – to 32,220 minutes) (the estimated time it will take for each respondent to retain or save the correspondences and records of action taken on disability-related complaints [5 minutes] multiplied by the lowest number of complaints and the average highest number of complaints received per respondent over the past three years [0 – 6,444])	2,716 hours (162,955 minutes) (the estimated time it will take for all respondents to retain or save the correspondences and records of action taken on disability-related complaints [5 minutes] multiplied by the average total number of complaints received over the past three years [32,591] for all respondents)

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. (Do not include the costs of any hour burden shown in items 12 and 14).*

Yearly costs to industry for maintenance of the database and data input are estimated to be \$0, as these tasks are generally completed by carrier personnel.

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.*

Annual website maintenance and hosting costs of \$13,335 (5% of database contractor's operation overall annual operation and maintenance costs).

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

The annual reporting and recordkeeping burden hours in question 12 has increased because the number of respondents has increased since the data was provided by carriers in 2013, 2014 and 2015. Furthermore, the estimated cost to the Federal government in question 14 has increased as we received financial data, rather than estimates, from the database contractor on the cost of operating and maintain the reporting database.

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.*

The Department submits an annual report containing a summary and a detailed breakdown of the data to Congress. The Department also places this report on its Aviation Consumer Protection Division website (<http://airconsumer.dot.gov>). The Department intends to continue its annual submission to Congress and to continue posting the report on its website.

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.*

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We are not seeking approval not to display the expiration date of the OMB approval.

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

We have not asserted any exceptions to the certification statement.