

Supporting Statement A
OMB 2120-0717: National Air Tours Safety Standards

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

This resulting paperwork burden directly support the Department of Transportation Strategic Goal on Safety. Specifically, the goal is to promote public health and safety by working toward the elimination of transportation-related deaths, injuries, and property damage.

Under the authority of Title 49 USC, Section 44701, Federal Aviation Regulations (FAR) Parts 121 and 135 prescribe the terms, conditions, and limitations necessary to ensure safety in air transportation.

This requirement improves the overall safety of commercial air tours by requiring all air tour operators to abide by the safety provisions found in new Part 136. 91.146 and 91.147 operators also have to comply with Part 136 Subpart A.

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 agency has made of the information received from the current collection.

Commercial air tour operators currently operating under Part 121 or Part 135 will only need to provide information in the form of a helicopter performance plan as required in Part 136. The operators most affected will be those operating commercial air tours under Part 91. These operators, conducting operations for charitable, nonprofit, or community events only, will need to apply for and receive a Letter of Authorization (LOA) from the FAA. This information requirement is similar, if not less of a burden, than what would have been required of these operators had been forced to move into Part 135. The LOA will act as an Operations Specification and will provide information about each Part 91 operators business. This information will be valuable for oversight of these operators, who have conducted commercial air tour flights outside of regular FAA oversight and guidance. The FAA will use the information it collects and reviews to ensure compliance and adherence to regulations and, if necessary, take enforcement action on violators of the regulations.

These are the information collection requirements to be reviewed by OMB:

Pilot certification, Letter to the FSDO under 91.146
LOA's required under 91.147
Helicopter Performance Plan under 136.13
Passenger briefings under 136.7

The information gathered in this collection is mandatory as it is required by the regulations. The collection includes reporting requirements. The information is collected as needed. 91.146 requires an operator to submit information to the FAA at least 7 days prior to an event (charitable, community, or non-profit). The information required to be submitted to the FAA office is:

a signed letter detailing the name of the sponsor, the purpose of the event, the date and time of the event, the location of the event, and all prior events under this section participated in by the sponsor in the current calendar year. A photocopy of each pilot in command's pilot certificate, medical certificate and logbook entries that shows the pilot is current in accordance with 61.56 and 61.57 of this chapter and that any private pilot has at least 500 hours of flight time; and a signed statement from each pilot that lists all prior events under this section in which the pilot has participated during the current calendar year.

91.147 requires that each operator operating under this part must apply for and receive a Letter of Authorization from the responsible Flight Standards office. 136.13 requires each operator to complete a performance plan before each helicopter commercial air tour or flight operated under 14 CFR part 91.146 and 91.147. This information is not submitted to the FAA. The Pilot in Command must review for accuracy and comply with the performance plan on the day the flight is flown. 136.7 requires that each Pilot in Command brief passengers prior to each takeoff. This information is not submitted to the FAA.

The purpose of this collection is to ensure that National Air Tours operate according to established safety standards and in compliance with regulations.

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.

For the purposes of Government Paperwork Elimination Act (GPEA), the FAA encourages the use of automation by air carriers to reduce their economic burden. We estimate that 100% of the burdens is transacted electronically. Historically, we estimate the burden has been done 70% electronically. For example, the passenger briefings could be accomplished via video and/or recording. All reporting to and from the FAA could also be done electronically.

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.

We have reviewed our other FAA public-use reports. We know of no other agency collecting information prescribing the terms, conditions, and limitations of this collection.

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

For other reporting or recordkeeping burden listed, the smaller operators have burdens in proportion to the size of their operation. The burden has been minimized by allowing operators to transmit the data electronically or to allow operators to comply with the rule in a audio/video format as with briefings.

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 frequency of information collection is dependent on the applicant's business plan and the public requests for air tours. The applicants who request certification benefits, for the most part, determine the frequency of information collection.

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

- *requiring respondents to report information to the agency more often than quarterly;*
- *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
- *requiring respondents to submit more than an original and two copies of any document; requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;*
- *in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;*
- *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
- *that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or*
- *requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.*

There are no special circumstances associated with this collection.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. 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 recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice published on June 24, 2020 (85FR38010) solicited public comment. No comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

There are no monetary considerations for this collection of information.

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

Respondents have been given no assurance 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.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

Section 91.146 (e) (3) requires each pilot to certify in a signed statement that the pilot has not flown more than a total of four charitable events or non-profit events as per 91.146 (c) (1) during the current calendar year. Pilots currently must provide sponsors with their pilot and medical certificates and log book under Section 61.113(d). Some sponsors have also had to submit the latter information because of the exemptions they hold and would simply add the certification statement. Payscale.com reports that a commercial pilot makes an average of \$50.34 an hour.¹ A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$66.14.² To account for overhead, a multiplier of 17 percent was applied.³ The average burdened

¹ https://www.payscale.com/research/US/Job=Commercial_Pilot/Salary

² <https://www.bls.gov/news.release/ecec.nr0.htm>

cost of a Commercial Pilot including fringe and overhead is \$77.38. This requires 2,200 pilots x 12 (.2 hr.) minutes each x \$77.38 hourly = 440 hours and \$34,047.

Annual hours = 440
Annual cost = \$34,047

Summary (Annual numbers)	Reportin g	Recordkeepin g	Disclosur e
# of Respondents	2200		
# of Responses per respondent	1		
Time per Response	.2 hour		
Total # of responses	2200		
Total burden (hours)	440 hours		

Section 91.147 requires that operators apply for, receive and comply with a Letter of Authorization from the FAA to conduct nonstop passenger-carrying flights for compensation or hire. Most of the information that must be submitted under this section is the same general business information (addresses, names of personnel) provided for those programs, plus aircraft information. 16 new operators will register each year. The certificate holders will submit their request via letter. It will take each operator 20 minutes to complete the process. The Director of Operations would be responsible for reporting this information to the FAA. Based on payscale.com, the Director of Operations is estimated to make \$42.20 per hour.⁴ A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$55.45.⁵ To account for overhead, a multiplier of 17 percent was applied.⁶ The average burdened cost of a Director of Operations including fringe and overhead is \$64.88. Hours and cost = 16 operators x 18 (.3 hour) minutes each x \$64.88 hourly = 4.8 hours and \$311.42.

Annual Hours = 4.8 hours
Annual Cost = \$311.42

³ Source: Cody Rice, U.S. Environmental Protection Agency, "Wage Rates for Economic Analyses of the Toxics Release Inventory Program" (June 10, 2002), <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>.

⁴https://www.payscale.com/research/US/Job=Director_of_Operations/Salary

⁵ <https://www.bls.gov/news.release/ecec.nr0.htm>

⁶ Source: Cody Rice, U.S. Environmental Protection Agency, "Wage Rates for Economic Analyses of the Toxics Release Inventory Program" (June 10, 2002), <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>.

Summary (Annual numbers)	Reportin g	Recordkeepin g	Disclosur e
# of Respondents	16		
# of Responses per respondent	1		
Time per Response	.3 hour		
Total # of responses	16		
Total burden (hours)	4.8 hours		

Section 136.7 requires air tour operators to provide passenger briefings. There are numerous options for presenting the required information given the current state of electronics. Nation-wide charitable and non-profit organizations could produce videos and distribute to local chapters at very little cost. Commercial air tour operators are also likely to use videos as some already do. Most existing air tour operators have already produced briefing videos. We estimate that 5 new operators per year would produce a briefing video. At an estimated initial cost of \$500 per video, the estimated yearly cost would be \$2,500. Presenting the information by video is less costly than oral briefings because the cost of producing the video can be amortized over 10 years which results in lower per briefing cost. While the automated methods are available to individuals providing local community flights, it is more likely the pilot will orally transmit this information to passengers because videos would not be cost-effective. Payscale.com reports that a commercial pilot makes an average of \$50.34 an hour.⁷ A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$66.14.⁸ To account for overhead, a multiplier of 17 percent was applied.⁹ The average burdened cost of a Commercial Pilot including fringe and overhead is \$77.38. Pilot briefings are estimated to take 3 (.05 hours) minutes at a cost of \$3.87 per briefing. It is estimated that 1,000 briefings will take place per year for a total of 50 hours and \$3,870.

Initial videos will take 5 hours to produce at a cost of \$100 per hour or a total of 25 hours and a cost of \$2,500.

Annual hours = 75 (25 for video productions + 50 hours for oral briefings)
Annual cost = \$6,370 (\$2,500 for videos + \$3,870) for oral briefings

⁷ https://www.payscale.com/research/US/Job=Commercial_Pilot/Salary

⁸ <https://www.bls.gov/news.release/ecec.nr0.htm>

⁹ Source: Cody Rice, U.S. Environmental Protection Agency, "Wage Rates for Economic Analyses of the Toxics Release Inventory Program" (June 10, 2002), <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>.

Summary (Annual numbers)	Reportin g	Recordkeepin g	Disclosur e
# of Respondents	5		
# of Responses per respondent	1		
Time per Response	5 hours video		
Total # of responses	5		
Total burden (hours)	25 hours		

Summary (Annual numbers)	Reportin g	Recordkeepin g	Disclosur e
# of Respondents	1000		
# of Responses per respondent	1		
Time per Response	.05 briefings		
Total # of responses	1000		
Total burden (hours)	50 hours		

Section 136.13 requires each operator to complete a performance plan before each helicopter flight by a commercial air tour operator. These estimates include all of the helicopters in the operator's fleet although the entire fleet may not be used for commercial air tours. Payscale.com reports that a commercial pilot makes an average of \$50.34 an hour.¹⁰ A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$66.14.¹¹ To account for overhead, a multiplier of 17 percent was applied.¹² The average burdened cost of a Commercial Pilot including fringe and overhead is \$77.38. Pilot take an estimated 3 minutes to review the performance plan (.05 hours) at a cost of \$3.87 per briefing. The total number of charity and non-profit helicopter flights per year are estimated at 9,600.

Annual hours = 480 Hours

¹⁰ https://www.payscale.com/research/US/Job=Commercial_Pilot/Salary

¹¹ <https://www.bls.gov/news.release/ecec.nr0.htm>

¹² Source: Cody Rice, U.S. Environmental Protection Agency, "Wage Rates for Economic Analyses of the Toxics Release Inventory Program" (June 10, 2002), <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>.

Annual costs = \$37,152

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	9600		
# of Responses per respondent	1		
Time per Response	.05 hours		
Total # of responses	9600		
Total burden (hours)	480 hours		

Summary of Total Information Collection Costs

Category	Annual Hours	Annual Cost
91.146(e)(3)	440 Hours	\$34,047
91.147	4.8 Hours	\$311
136.7	75 Hours	\$6,370
136.13	480 Hours	\$37,152
TOTAL:	1000 Hours	\$77,880

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

There are no additional costs not already included in question 12.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, 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.

Section 91.147 requires the FAA to receive, review, and issue Letter of Authorization to commercial air tour operators conducting tours under this section. The cost to the FAA for an employee to complete this process is based on a GS-13, Step 5 in Kansas City.

The pay rate is 50.05 per hour. A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$65.77.¹³ To account for overhead, a multiplier of 17 percent was applied.¹⁴ The total hourly wage, including overhead and fringe benefits, is estimated at \$76.95. We estimate that it would take approximately 20 minutes to process an application and that we would receive approximately 16 applications per year. Therefore, each application would cost approximately \$25.65 to process. Processing 16 applications a year would cost the government approximately \$410.40 annually.

Annual Cost = \$410.40
Annual Hours = 320 Minutes

15. Explain the reasons for any program changes or adjustments.

The hourly burdens have been updated from the last submission. The burdens were updated to more accurately match what meeting the regulation would require for operators. Cost burdens on the public have been updated to reflect current 2020 wage rates, current overtime and fringe benefit rates.

16. 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.

There is no publication plan.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

We are not seeking such approval.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

There are no exceptions to Item 19, OMB Form 83-1.

¹³ <https://www.bls.gov/news.release/ecec.nr0.htm>

¹⁴ Source: Cody Rice, U.S. Environmental Protection Agency, “Wage Rates for Economic Analyses of the Toxics Release Inventory Program” (June 10, 2002), <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>.