

## Supporting Statement A

### Helicopter Air Ambulance Operator Reports

OMB 2120-0761

#### Summary:

- **The number of overall respondents decreased (page 6)**
- **Pay rates for the various employees were estimated based off of 2020 data to include overhead and fringe benefits (page 5-7)**

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

The FAA Modernization and Reform Act of 2012 (the Act), as amended by the FAA Reauthorization Act of 2018, mandates that all helicopter air ambulance operators must begin reporting the number of flights and hours flown, along with other specified information, during which helicopters operated by the certificate holder were providing helicopter air ambulance services. See PL 112-95, Sec. 306, 49 USC § 44731. The FAA Administrator had 180 days to develop a methodology to collect and store those data. The Act further mandates that not later than 2 years after the date of enactment, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report containing a summary of the data collected.

#### **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.**

The helicopter air ambulance operational data provided to the FAA is used by the agency as background information useful in the development of risk mitigation strategies to reduce the helicopter air ambulance accident rate, and to meet the mandates set by Congress. All helicopter air ambulance operators must report data to the FAA.

The FAA collects 14 pieces of data from helicopter air ambulance operators which are mandated in the report to congress. We collect data on the following: number of helicopters, helicopter base locations, number of hours the helicopters are flown, number of patients transported, number of transportation requests accepted or denied, number of accidents, number of instrument flight hours flown, number of night flight

hours flown, number of incidents in which a helicopter was not directly dispatched and arrived to transport patients but was not utilized for patient transport, and the number of accidents that occurred while conducting helicopter air ambulance operations. The information is collected annually.

**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.**

In accordance with the Government Paperwork Elimination Act (GPEA), the FAA allows and accepts electronic submission, and encourages the use of automation and electronic media for the gathering, storage, presentation, review, and transmission of these reports with the provision that such automation or electronic media has adequate provision for security (i.e., that such submissions may not be altered after review and acceptance by the FAA) and that the systems or applications are compatible with the systems or applications used by the FAA.

Helicopter air ambulance operators are able to download a Microsoft Excel spreadsheet-reporting template with blank fields in which they can populate their information/data. The link to the spreadsheet is available here:

[https://www.faa.gov/about/office\\_org/headquarters\\_offices/avs/offices/afx/afs/afs200/afs250/](https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs200/afs250/)

Upon completing their report, they will be able to submit it via an FAA email mailbox set up for that purpose. The information collected will not be shared with the public.

**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.**

Of the fourteen items of data required by the Act, the FAA can access two – the number of helicopters used to provide air ambulance services and the number of helicopter air ambulance accidents. Since these items are more readily available to the operator, we have included them in this information collection.

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

The information requested is limited to the minimum necessary to fulfill these new reporting requirements mandated by the Act and as developed by FAA. The amount of data required to be submitted is proportional to the size of the operation.

**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.**

FAA initially requested that helicopter air ambulance operators submit reports quarterly. Based on the comments submitted, the FAA revised the reporting requirements to only request annual submissions, which are in accordance with the Congressional language requiring this data to be reported.

**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.*

This collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2)(i)-(viii).

**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 October 14, 2020 (85 FR 65133) solicited public comment. One comment was received.

The Air Medical Operators Association (AMOA) commented stating they believe this data collection regulatory requirement should have been the subject of notice and comment rulemaking so operators had the opportunity, among other things, to review the proposed regulatory language. They state the FAA instead reasserts its intention to continue to require submission of this information but does not fully describe its content and is not specific as to regulatory vehicle for requiring that it be submitted.

The requirement for data collection is not a regulatory requirement, it is a statutory requirement as specified in §44731 of the FAA Modernization and Reform Act of 2012. This statutory requirement is stated in the Background section of the Notice and request for comments. The Act, including the specific items of information to be collected, can be found at [www.Congress.Gov](http://www.Congress.Gov).

AMOA stated they assume that the FAA intends to continue to require that this information be submitted through the amendment to each operator's operations specification to effect this statutory requirement, but the notice does not so specify and the docket does not include this information.

The FAA has, since 2015, included in Operations Specification paragraph A021, Helicopter Air Ambulance (HAA) Operations, the requirement for HAA data reporting. The regulatory basis for the issuance of Operations Specifications is 14 CFR part 119 which requires that the OpSpecs issued to parts 121, 125, and 135 certificate holders specify the authorizations, limitations, and certain procedures under which each type of operation must be conducted and under which each class and size of aircraft must be operated. The purpose of the Notice is also to invite public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection not to approve the method of collection.

AMOA asserts the notice lists 10, not 14 elements, one of which, "rate of accidents or incidents per 100,000 flight hours" is a statistic the 2018 Act requires the FAA to report to Congress, not operators to report to the FAA

The line items for the elements required to be collected total 7, one of which clearly contained two separate elements (the number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters) making the total required items of information required to be collected 8. Additionally, collecting the number of transportation requests accepted or denied requires the collection of 6 items of information as the statute requires us to collect data for several categories request (such as scene response, interfacility transport or organ

transport). The requirement for reporting any accidents that occurred during helicopter air ambulance (HAA) also includes a description of the accidents. The number of separate pieces of information required to be submitted, therefore, totals fourteen.

The Notice also states that we (FAA) collect data on the rate of accidents or incidents per 100,000 flight hours. The FAA collects this information in the form of the total number of hours reported flown in HAA operations and the number of accidents reported. The FAA uses this information to calculate the accident rate and report it to Congress.

AMOA also opines that the FAA intends not to be limited by the mandated statutory data elements, raising further questions about the FAA's authority to require operators to submit this data without the opportunity for notice and comment.

The FAA does not intend to collect any information other than that required by the Statute.

AMOA also requests the FAA to share in the PRA notice docket the precise language requiring this data collection and reporting, as it is not in the Code of Federal Regulations.

The Background section of the Notice contains the Statutory reference stating, "The FAA Modernization and Reform Act of 2012 (The Act) mandates that all helicopter air ambulance operators must begin reporting the number of flights and hours flown, along with other specified information, during which helicopters operated by the certificate holder were providing helicopter air ambulance services." The specific section of the Act is §44731. This Section was amended by the FAA Reauthorization Act of 2018. The FAA believes the inclusion of the precise statutory language in the Notice would have made the Notice cumbersome. Those desiring to review the Act in its entirety should refer to [www.Congress.Gov](http://www.Congress.Gov).

We note that the FAA has changed the burden estimate by calculating a total annual burden for all operators without also including an estimated burden per operator as it has always done in the past. Further, the notice has decreased the estimated total burden included in its 2018 PRA notice on this matter, 83 FR 2865 (Jan. 19, 2018), from 870 hours to 738 hours. The notice includes no explanations or data to support these changes.

The FAA Reauthorization Act of 2018 amended the reporting requirements and reduced some of the elements required to be reported. For example, the number of flights and hours flown by registration number was eliminated and now only the total number of HAA hours flown in aggregate is required.

While AMOA reported that they believe that the FAA's estimation of the financial burden to collect this data continues to be underestimated, especially for large operators. This

data collection requirement requires full time personnel to track, collect, and report data in the manner required by FAA. We continue to believe that the hour estimate FAA provides is artificially low and is not supported by the even slimmer record the FAA has provided. They did not provide any documentation or specifics to aid the agency in better estimating the burden. Therefore, the FAA will keep the burden that was estimated.

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

No payment or gift to respondents will be made.

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

The Act requires the FAA to include a “method to protect the confidentiality of any trade secret or proprietary information” when collecting and storing the data. See 49 U.S.C. § 44731(c).

**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:**

Nationwide, there are 62 authorized helicopter air ambulance certificate holders utilizing 1,231 approved air ambulance helicopters. This number fluctuates constantly because of mergers, acquisitions, industry growth, and operators ceasing operations. Certificate holders are required to report their air ambulance-related information on an annual basis. The annual hour burden will vary greatly between the operators based on the number of authorized helicopters operated by each. The actual number of flights each operator conducts per year per authorized helicopter is currently unknown. The FAA does collect data on the number of flight request accepted or declined and the actual number of patients flown. In 2019, the number of accepted requests was 379,833

which includes scene, inter-facility, and donor organ transport. The total number of patients flown was 310,104.

- Authorized helicopter air ambulance certificate holders who operate 10 or more air ambulance helicopters would be required by regulation to have Operations Control Centers (OCC). For the purposes of this analysis, operators falling into this category are defined as “large.” Although the number fluctuates, currently twelve (12) certificate holders fall into this category, and operate 1,050 air ambulance helicopters in the aggregate, or 85% of the fleet. The balance of the certificate holders (50) each operate fewer than ten helicopters and are defined here as “small.” Small certificate holders operate 181 helicopters in the aggregate.
- Certificate holders will input their data in a Microsoft Excel spreadsheet template, which requires some general information that the operator must input regarding the company (e.g., name of company, FAA certificate number). The additional information will be limited to that required by the Act.
- The FAA estimates that it will take each small operator (those operating fewer than 10 helicopters), approximately 9 hours on average to fill out and submit the required annual report which has not changed since the last submission. Our burden estimate for large operators (those operating 10 or more helicopters) did not scale linearly. These large operators would be required under proposed the regulation to have OCCs. Due to the high volume of activity of these large operators, nothing other than electronic means of data recording and dispatching would be practical for compliance with this mandate. We believe that those operators that employ electronic flight authorization databases should be able to largely automate exporting the required data into an Excel-readable format (i.e., comma or space-delimited text files). Therefore, for each large certificate holder that conducts a large number of operations, we estimate that it will take, on average, approximately 24 hours to fill out and submit each annual report.
- There are 50 “small” operators and 12 “large” operators as defined previously. Thus it will take  $50 \times 9 = 450$  hours per year for “small” operator labor burden and  $12 \times 24 = 288$  hours per year for “large” operator labor burden. The aggregate hourly burden total would be 738 labor hours per year for all respondents.
- Using the automated “export” and “import” features in Excel is a relatively simple task and can be performed by an administrative assistant. The assumed hourly labor rate for a clerk/secretary is \$15.92 / hour.<sup>1</sup> A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$20.92.<sup>2</sup> To account for overhead, a multiplier of 17 percent was applied.<sup>3</sup> Therefore, the

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<sup>1</sup> [https://www.payscale.com/research/US/Job=Administrative\\_Assistant/Hourly\\_Rate](https://www.payscale.com/research/US/Job=Administrative_Assistant/Hourly_Rate)

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

<sup>3</sup> 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>.

estimated hourly salary for an administrative assistant is \$24.48 Therefore, the average annual burden to an individual small operator (as defined in this context) would be \$220 (9 hours X \$24.48), and for an individual large operator, \$588 (24 hours X \$24.48). The total aggregate annualized burden to all respondents is estimated to be approximately \$18,066 (738 hours X \$24.48).

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>	50		
<b># of Responses per respondent</b>	1		
<b>Time per Response</b>	9 hours		
<b>Total # of responses</b>	50		
<b>Total burden (hours)</b>	450 hours		
Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>	12		
<b># of Responses per respondent</b>	1		
<b>Time per Response</b>	24 hours		
<b>Total # of responses</b>	12		
<b>Total burden (hours)</b>	288 hours		

First chart is small operators and second chart is large operators

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

There are no costs associated with this collection that have not already been identified in the responses to item Nos. 12 and 14.

**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.**

Helicopter air ambulance operators will electronically submit this information directly to FAA. Agency costs will include a review of each operator's annual submittal to ensure every operator has submitted the proper report, and to ensure the data are properly reported. We anticipate that it will take the agency approximately 40 hours each year to review all the reports that are submitted by the helicopter air ambulance operators. The review would likely be conducted by a GS-14 level employee. An Aviation Safety Inspector or Policy Analyst would review this information. Since many of these employees are remotely sited, the Kansas City locality rates were applied as it is a median locality rate. The cost to the federal government for a Kansas City, MO based employee at a grade 14, step 5 level is \$59.14 / hour. A 31.4 percent multiplier was then applied to account for fringe benefits which brings the salary to \$77.71.<sup>4</sup> To account for overhead, a multiplier of 17 percent was applied.<sup>5</sup> The total salary including overhead and fringe benefits is \$90.92. Therefore, the cost for reviewing reports is estimated to be \$3,637. . It is estimated that an additional 40 hours for end-of-reporting-year collation and report generation will also be needed. This final report assembly is also likely to be conducted by a GS-14 (step 5) level employee for a cost to the government of \$3,637, bringing the overall estimated aggregate cost to the federal government of \$7,274.

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

Adjustments are re-estimates of the number of respondents, responses and/or the response times for *existing* requirements. Also pay rates for the various employees were estimated based off of 2020 data.

**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.**

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<sup>4</sup> <https://www.bls.gov/news.release/ecec.nr0.htm>

<sup>5</sup> 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>.

No publication of the comprehensive data set is anticipated; it is primarily for internal use and tracking and for reporting to Congress as stipulated in the statute. Some of the operational information collected (such as number of operations, locations, and aircraft makes and models) may be included as generalized background information to document baseline conditions in helicopter air ambulance operations to develop methodologies for mitigating risk in such operations and to meet the congressional mandate.

**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.**

Approval is not being requested.

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

There are no exceptions requested.