

**Department of Transportation
Federal Aviation Administration**

SUPPORTING STATEMENT

**Small Unmanned Aircraft Systems (sUAS) Accident Reporting
14 CFR part 107
OMB Control Number 2120-0767**

INTRODUCTION

This information collection is submitted to the Office of Management and Budget (OMB) to request a three-year approval clearance for the information collection entitled, Small Unmanned Aircraft Systems Accident Reporting.

Part A. Justification

1. Circumstances that make collection of information necessary.

To ensure proper oversight of small unmanned aircraft systems (sUAS) operations, 14 CFR § 107.9 requires a remote pilot in command to report to the FAA any sUAS operation that results in: (1) at least serious injury to any person or any loss of consciousness; or (2) damage to any property, other than the small unmanned aircraft, unless the cost of repair (including materials and labor) or fair market value in the event of total loss does not exceed \$500.

After receiving this report, the FAA may conduct further investigation to determine whether any FAA regulations were violated. The report must be via Internet at faadronezone.faa.gov. Alternatively, a report can be made to a Federal Aviation Administration Flight Standards District Office, or one of the Regional Operations Centers or the Washington Operations Center, in a manner acceptable to the Administrator.

2. How, by whom, and for what purpose is the information used.

The information collected by the FAA through the DroneZone website, Flight Standards District Offices, or one of the Regional Operations Centers or the Washington Operations Center for each sUAS accident is used to investigate and determine regulatory compliance. In addition, the accident information goes into the FAA aircraft accident database for safety analysis purposes by the FAA Office of Accident Investigation and Analysis, pursuant to its statutory safety mission. As is currently the case for manned aircraft accidents, sUAS accident data will be made available to the public and the National Transportation Safety Board (NTSB). Submission of accident information is mandatory if a small unmanned aircraft accident meets certain criteria. The affected population consists of small unmanned aircraft operators from all walks of life. The collection requirement consists of reporting.

3. Extent of automated information collection.

The FAA collects sUAS accident report information through a central online portal on its

website, FAAdronezone.faa.gov. The FAA FSDOs, Washington Operation Center, and Regional Operations Centers, are made available in the interest of flexibility, and/or for when a remote pilot does not have Internet access. All reports received so far have been through the online portal.

4. Efforts to identify duplication.

Currently, 49 CFR part 830 requires pilots and operators to report aircraft accidents to the NTSB. However, § 830.2 only requires aircraft accident reporting that involves an unmanned aircraft that causes serious injury or death, or when the UAS weighing 300 or more pounds causes substantial damage, as defined at 830.2. The FAA requires accident reporting of accidents that result in at least: (1) serious injury to any person or any loss of consciousness; or (2) damage to any property, other than the small unmanned aircraft, unless the cost of repair (including materials and labor) or fair market value in the event of total loss does not exceed \$500. The only possibility of duplication that may arise is in the unlikely event that the accident involves serious injury or death, in which case the accident must also be reported to the NTSB per 49 CFR § 830.2. In such cases, as with current aircraft accident reporting, when the FAA is the first agency to receive a report of an accident that fulfills the criteria of 49 CFR § 830.2, the FAA will immediately forward that report to the NTSB, thus satisfying the § 830.2 reporting requirements without the need for the sUAS operator to provide a duplicate report to the NTSB. The FAA recognizes that because it establishes a 10-day reporting requirement while the NTSB's requires "immediate notification," it is possible that a submission forwarded onwards to the NTSB would not satisfy NTSB's notification requirement. However, given the differing definitions of "accident" and thresholds for reporting, the FAA believes that an incident or accident that requires reporting to both the FAA and NTSB is extremely unlikely (to date, there have been no incidents or accidents that were reportable under 107.9 that also triggered 49 CFR 830.2). Based on the real-world usage of small UAS, the FAA does not believe that a conflict or duplication exists in practice. If, in the future, the FAA began to identify a pattern of incidents or accidents that resulted in dual reporting, the FAA would reconsider whether it should further harmonize reporting requirements to avoid dual reporting.

5. Efforts to minimize the burden on small businesses.

The collection of sUAS accident information is obtained only when an accident occurs that meets the injury or damage thresholds for reporting. The accident must be reported by the remote pilot in command, not the individual business entity. As such, this collection of information will not impact small businesses.

6. Impact of less frequent collection of information.

The reporting and collection of aircraft accident data is important to the FAA for safety analysis and regulatory compliance in order for the FAA to fulfill its aviation safety mission as required by law. By not requiring sUAS accident reporting, the FAA would not be able to effectively oversee the sUAS industry in order to ensure the safety of the national airspace system. That being said, the FAA expects the frequency of sUAS accident reporting to be minimal due to the operational requirements/limitation in 14 CFR part 107.

7. Special circumstances.

There are no special circumstances.

8. Compliance with 5 CFR 1320.8.

The FAA published a 60-day Federal Register notice on March 31, 2020 (85 FR 17941). One comment was received.

The National Transportation Safety Board (NTSB) stated that it is “the only federal agency charged with investigating aircraft accidents and incidents and has priority over all other agencies in this role,” and that this information collection is therefore duplicative.

The FAA does not take issue with the NTSB’s statement about its role and mandate, and appreciates the FAA’s party status in NTSB investigations. However, the FAA disagrees with the NTSB’s assertion that the FAA’s collection is duplicative.

The FAA wishes to point out that UAS technology is still evolving, which is why the FAA deliberately set injury and damage thresholds much lower than those set by the NTSB, with the goal of increasing the FAA’s understanding of UAS reliability and the incidence and prevalence of accidents and incidents involving UAS. Specifically, the FAA requires reporting of small UAS accidents that cause property damage exceeding \$500, or result in serious injury *or unconsciousness without other injuries present*. By contrast, the NTSB reporting requirement is triggered only when an incident results in “serious injury or death,” or when the aircraft has a “maximum gross takeoff weight of 300 pounds or greater and sustains substantial damage.” (49 CFR § 830.2)

The FAA’s accident-reporting requirement does not concern itself at all with damage to the aircraft itself. Rather, it is concerned with damage to other property or injury to persons, including loss of consciousness. The rationale for including this last element is the FAA’s belief that loss of consciousness is likely indicative of non-compliance with operational or other regulations.

Given the substantial difference between the thresholds triggering a report to the FAA and to the NTSB, the FAA believes that without the FAA reporting requirement, most if not all small UAS accidents would not need to be reported at all.

The only possibility of duplication that may arise is in the unlikely event that the accident involves serious injury or death, in which case the accident must also be reported to the NTSB per 49 CFR § 830.2. In such cases, as with current aircraft accident reporting, when the FAA is the first agency to receive a report of an accident that fulfills the criteria of 49 CFR § 830.2, the FAA will immediately forward that report to the NTSB, thus satisfying the § 830.2 reporting requirements without the need for the small UAS operator to provide a duplicate report to the NTSB.

The FAA published a follow-on 30-day Federal Register notice on June 5, 2020 (85 FR 34712). One comment was received.

Commenter: AiRXOS, a subsidiary of GE Aviation, asked whether the FAA’s 15-minute time-burden estimate per response includes “the work related to the notification, investigation support, and recording of the event.” AiRXOS expressed concern that 15 minutes is an unrealistically low estimate for all of these activities.

FAA Response: The FAA wishes to clarify that the 15-minute estimate includes only the

notification of an accident, not any possible follow-on activities. Investigation support and other activities are not directly triggered by this reporting requirement, and would likely be required even if this collection did not exist. Thus, the FAA believes that 15 minutes is an appropriate estimate.

Commenter: AiRXOS also commented that 35 accident reports per year is too high, and that the number of accidents per year is, or will be, significantly lower.

FAA Response: The FAA disagrees, and notes that the small UAS aviation sector is rapidly expanding. Upcoming regulatory changes are likely to facilitate an even faster expansion by permitting activities that are currently permitted only by waiver or exemption. Therefore, the FAA believes that 35 accident reports per year is a realistic estimate.

9. Payments or gifts to respondent.

No gifts or remunerations are provided.

10. Assurance of confidentiality.

The information collected will become part of the Privacy Act system of records DOT/FAA 847, General Aviation Records on Individuals and afforded the protection offered under the Privacy Act and that particular system.

11. Justification for collection of sensitive information:

Such information is not requested.

12. Estimate of burden hours for information requested:

There is one page of paperwork associated with reporting an accident and it will take an applicant 0.25 hours to complete.¹ The FAA receives, on average, 35 reports per year. The FAA typically does not receive more than one response per respondent.

Respondents: 35

Responses: 35

$35 \times .25 \text{ hours} = 8.75 \text{ hours}$

Small UAS operators are not confined to any one occupation. Therefore, the FAA is using a general private sector wage, including benefits, of **\$34.72** per hour, provided by the Bureau of Labor Statistics.² In addition, the FAA uses a 17 percent estimate for overhead costs such as rent, equipment and utilities.³ $\$34.72 \times 1.17 = \mathbf{\$40.62}$ for a fully loaded wage rate.

¹ Submitting an accident report via DroneZone requires that a remote pilot in command already have an account with that website, and have his or her UAS registered with the FAA (14 CFR part 48). However, the paperwork burden associated with registration is covered separately by 2120-0765.

² <https://www.bls.gov/news.release/ecec.nr0.htm>; "Private industry employers spent an average of \$34.72 per hour worked for total employee compensation in December 2019, the U.S. Bureau of Labor Statistics reported today. Wages and salaries averaged \$24.36 per hour worked and accounted for 70.1 percent of these costs, while benefit costs averaged \$10.37 and accounted for the remaining 29.9 percent."

³ <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>

Cost per response: $.25 * 40.62 = \$10.16$

Total annual cost: $8.75 * 40.62 = \$355$

13. Estimate of total annual costs to respondents.

Not applicable.

14. Estimate of cost to the Federal government.

Because of the mitigations contained for the operation of sUAS in Part 107, accident reports to be submitted infrequently, and thus the cost to the FAA is also minimal.

However, a typical accident report will require approximately four hours of processing and analysis (including transmission to the NTSB) by an FAA Aviation Safety Inspector.

Assuming 35 reports, multiplied by 4 hours, the annual federal hourly burden is 140 hours.

The FAA assumes a mid-grade GS-13 salary, Rest of USA locality. Annual salary is \$103,396,⁴ divided by 2,080 hours for an hourly rate of \$49.70. The FAA uses a fringe benefits and overhead cost, for FAA employees, of 100%.⁵ This results in a fully loaded wage of \$99.42 per hour.

FAA Cost: \$13,919

15. Explanation of program changes or adjustments.

This statement relies on real-world data on number of responses, as opposed to the original submission which relied on an estimate. This is why the estimated number of responses has increased 3.5 times.

16. Publication of results of data collection.

This information collection will not be published.

17. Approval for not displaying the expiration date of OMB approval.

The FAA is not seeking such approval.

18. Exceptions to certification statement.

No exceptions.

⁴ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/RUS.pdf>

⁵ U.S. Department of Health and Human Services, "Guidelines for Regulatory Impact Analysis" (2016), https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf. On page 30, HHS states, "As an interim default, while HHS conducts more research, analysts should assume overhead costs (including benefits) are equal to 100 percent of pretax wages...."