

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

OMB 2120-0543

A Privacy Act Statement and official FAA form number 1600-85 have been added to the online submission tool.

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

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.

[Federal Register Volume 55, 31300](#), provides some background regarding the results of audits conducted by the Department of Transportation (DOT) Office of Inspector General (OIG). DOT/OIG made recommendations for the FAA to identify and prohibit an airman from operating an aircraft after multiple alcohol- or drug-related motor vehicle actions, and verify traffic conviction information required to be reported on the airman medical application in order to evaluate whether the airman meets the minimum standards to be issued an airman medical certificate. In November 1990, the FAA implemented Title 14 Code of Federal Regulations (C.F.R.) Part 61 § 61.15, specifically addressing offenses involving alcohol or drugs by certificated airmen.

The collection of this information directly supports identifying airmen with multiple alcohol- or drug-related motor vehicle actions, and verifies traffic conviction information in order to support the FAA's Aviation Safety, Office of Aerospace Medicine, Aerospace Medical Certification Division, for their requirements to evaluate the qualifications of that airman to hold a medical certificate.

14 C.F.R. § 61.15(c) states:

For the purposes of paragraphs (d), (e), and (f) of this section, a motor vehicle action means:

(1) A conviction after November 29, 1990, for the violation of any Federal or State statute relating to the operation of a motor vehicle while intoxicated by alcohol or a drug, while impaired by alcohol or a drug, or while under the influence of alcohol or a drug;

(2) The cancellation, suspension, or revocation of a license to operate a motor vehicle after November 29, 1990, for a cause related to the operation of a motor vehicle while intoxicated by alcohol or a drug, while impaired by alcohol or a drug, or while under the influence of alcohol or a drug; or

(3) The denial after November 29, 1990, of an application for a license to operate a motor vehicle for a cause related to the operation of a motor vehicle while intoxicated by alcohol or a drug, while impaired by alcohol or a drug, or while under the influence of alcohol or a drug.

14 C.F.R. § 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 C.F.R. Pursuant to the FAA's statutory authority noted above, the FAA considers that information related to any such offense is necessary to properly determine the suitability of an individual applying for an airman medical certificate.

The FAA's Security and Hazardous Materials Safety, ASH, is the only line of business collecting this information.

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.

Airmen, defined by Title 14, Chapter 1, Subchapter D, Part 61 certificated airmen to include: student pilots, recreational pilots, private pilots, commercial pilots, airline transport pilots, flight instructors, and ground instructors, are mandated to submit a

written report as needed with information pertaining to convictions, and cancellations, suspensions, or revocations of a license to operate a motor vehicle, for a cause related to the operation of a motor vehicle while intoxicated by alcohol or drug. This report must include a date and location the action took place.

The FAA's Security and Hazardous Materials Safety (ASH), is the line of business receiving all reports sent in pursuant to 14 C.F.R. § 61.15(e), and does not intend on disseminating this information with the public.

ASH is responsible for ensuring compliance with the regulations by comparing the submitted information against official driving and court records. To enhance the safety of aviation transportation, ASH conducts investigations into the information provided by the person on their own letterhead, or via the online notification letter format, by comparing it to FAA records, official state driver records, and/or court records. This office compares the name, date of birth, address, and certificate number provided by the person, with the FAA's database of airmen to ensure the information is linked to the correct airman. Once a match is confirmed, this office reviews the date and location (state and/or court location) of any suspension and/or conviction for an alcohol- and/or drug-related motor vehicle action and requests official records from those locations. Once obtained, this office confirms the information sent by the airman was complete, accurate, and was sent within the required 60 day time period. Based on this investigation, this office acknowledges the airman's compliance, or recommends action against their airman certificate if a violation has occurred.

ASH shares this information with FAA 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.

A Privacy Act Statement and official FAA form number have been added to the online submission tool.

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 an effort to reduce paperwork and burden on respondents, our website http://www.faa.gov/about/office_org/headquarters_offices/ash/ash_programs/investigations/airmen_duidwi/ includes a digital modality for airmen to submit their notification letters. The link opens a webpage for the airman to submit their email, requesting to submit a letter. An email will be sent to the airman containing instructions and a unique url. They can click on the link that opens up an electronic form they can fill out with the necessary information. Once they click submit, their information will be transferred to our database and encrypted on Security and Hazardous Materials Safety servers. The airman receives a confirmation email upon submittal. The information

collected will not be made available to the public over the internet because of the sensitive nature of the information and to protect personally identifiable information.

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 found nowhere else. The only other time an airman is supposed to report alcohol or drug related motor vehicle actions is on the application or routine reapplication for a medical certificate; however, this application may be years after the incident occurred (given that, under 14 CFR 65.15, medical certificates are valid for 5 years) and would not meet the 60 day timeframe required by regulations.

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

This collection will not involve small business or small 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.

To not collect this information would degrade the overall safety of the national airspace system by inhibiting the FAA's ability to remove airmen displaying a reckless disregard of safety. The timely written submission provides for an immediate evaluation as authorized by Part 61 and Part 67, and enables the effective implementation of the enforcement provisions provided 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:

Respondents are required to report their information as needed based on when their motor vehicle actions occur. Having multiple motor vehicle actions in a quarter may require multiple reports within the quarter.

No other special circumstance apply to 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 8, 2023, (88 FR 37596) solicited public comment. Two comments were provided by August 7, 2023.

On July 27, 2023, the Law Offices of Robert M. Strumor, LLC, provided comments regarding the lack of clear instructions on reporting requirements. Excerpts from their comment document are:

“we also note the agency neglected to address confusion related to completion of some required information. Specifically, the electronic submission portal asks two lengthy questions that necessitate different answers depending on whether the submission is an initial or follow-up for a previously reported event.”

The intended responses for these two questions is to report new actions regardless if the incident has been previously reported to Security and Hazardous Materials Safety. A response in the “Statement” box should be used to provide clarification regarding previously reported motor vehicle actions. This sentiment is covered on our website, however, a new frequently asked question has been added to our website to address this ambiguity.

“Furthermore, the letter continues to lack clear instructions for respondents. Regrettably, the current (limited) guidance fails to help respondents understand that the reporting requirement is triggered by *any* suspension of driving privileges—namely a roadside pre-conviction administrative license revocation or suspension.”

Our website clearly annotates the definition of an administrative action, and although not a comprehensive list, examples of these actions are provided. A new FAQ has been added to further clarify reportable actions.

On July 17, 2023, a comment was received from Wendy McDowell stating, “In the interest of public safety I believe the collection of this data is imperative. It does not appear to be a financial burden on the pilot to have this information submitted. I suggest we continue to collect the data.”

The FAA plans on continuing the collection of this data.

In June of 2023, phone surveys were held with 10 airmen and asked the same questions. Below is the questions and responses.

1. How did you learn you were required to report this incident to the FAA?
 - Airman 1: Pilot School
 - Airman 2: Pilot School
 - Airman 3: Google and talked to Union Rep
 - Airman 4: Online research- and legal advice
 - Airman 5: Talked to attorney
 - Airman 6: He is an instructor and knew what to do
 - Airman 7: Flight School and medical
 - Airman 8: Pilot Training
 - Airman 9: Pilot flight school
 - Airman 10: Flight school

2. Were the instructions clear on what to report, to whom, and within how many days? Please explain.
 - Airman 1: Yes- Regulations are hard to read
 - Airman 2: Yes- after talking to an attorney
 - Airman 3: Yes – Union representative sent the link
 - Airman 4: Yes
 - Airman 5: Yes
 - Airman 6: Yes
 - Airman 7: Yes he knew the time frame, and No hard to find portal
 - Airman 8: Yes
 - Airman 9: Yes
 - Airman 10: Yes

3. Did the airman choose to submit the letter via the online portal, send via fax, or send a hard copy via mail?
 - Airman 1: online
 - Airman 2: online
 - Airman 3: one line
 - Airman 4: US Mail
 - Airman 5: Portal
 - Airman 6: Fax
 - Airman 7: Portal
 - Airman 8: Portal
 - Airman 9: Online
 - Airman 10: Online

4. How long did it take to create the notification letter and send it to the FAA?
 - Airman 1: not long easy
 - Airman 2: 1/2 hour
 - Airman 3: 5 minutes
 - Airman 4: 1 hour
 - Airman 5: 1/2 hour

- Airman 6: 10 minutes
Airman 7: hour
Airman 8: 20 minutes
Airman 9: 30 minutes or so
Airman 10: not long
5. Was the time burden associated with creating the submission reasonable?
- Airman 1: pretty much
Airman 2: Yes
Airman 3: Yes
Airman 4: Somewhat
Airman 5: Yes
Airman 6: Yes
Airman 7: It was ok
Airman 8: Yes
Airman 9: Yes
Airman 10: Yes
6. What were the costs associated with sending the letter? (i.e. stamps, cost of paper & envelope, or did they fax it)
- Airman 1: None
Airman 2: None
Airman 3: None
Airman 4: Express mail over \$20.00
Airman 5: None
Airman 6: Over \$5.00
Airman 7: None
Airman 8: None
Airman 9: None
Airman 10: None
7. Do you have any suggestions for improving the process?
- Airman 1: Had questions and hard to talk to real person (during Covid)
Airman 2: None Easy to completed
Airman 3: None with notification. Medical needs to be more responsive
Airman 4: None
Airman 5: None
Airman 6: None
Airman 7: Worked like a dream
Airman 8: None
Airman 9: None
Airman 10: None

In response to Airman 1, question 7, the office phone line has always been answered by personnel Monday through Friday 8:00 a.m. to 4:30 p.m. CT.

9. Explain any decisions to provide payments or gifts 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 assurance in statute, regulation, or agency policy.

Information collected is covered in the Privacy Act System of Records, DOT/FAA 847, Aviation Records on Individuals.

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.

Not applicable. The information collected pertaining to alcohol- and/or drug-related motor vehicle actions is publicly available.

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

- The FAA expects approximately 599 reports annually from 480 respondents, a decrease from 862 reports from 589 respondents detailed in the previous collection. The FAA expects that some respondents will report multiple motor vehicle actions on a single report, while others will report a single motor vehicle action in multiple reports throughout a single year.
- Based on information from the previous collection and a 2023 phone survey with respondents, we estimate that it will take approximately 30 minutes for the airman to document this portion of Part 61 requirements for an annual total of 299.5 hours for all reports to be made. A decrease of 131.5 hours reported in 2021.
- Pilots submitting reports per 61.15e range from student pilots up to airline transport pilots. They are not required to detail their occupation; however, since October 1, 2021, this office began tracking the certification of respondents. We

noted approximately 42% of the reports are submitted by airmen with certifications that would qualify them to work in the aviation industry.

If 42% of reports were submitted by fully employed commercial and airline transport pilots, we could take the median annual wage of \$134,630¹ and divide that by the reported annual work hours of 2,080. This would equal an hourly wage rate of \$64.73.

$$134,630 / 2,080 = 64.73$$

This rate multiplied by two² to account for benefits and overhead equals \$129.46.

$$64.73 * 2 = 129.46$$

This rate multiplied by the time it takes to submit 42% of the total number of reports (299.5 hours) would equal the annual burden of cost of \$16,284.77. A reduction from \$22,985.23 based on the reduction in the time burden.

$$299.5 * .42 = 125.79 \text{ hours}$$

$$\$129.46 \text{ hourly wage} * 125.79 \text{ hours} = \$16,284.77 \text{ annual burden cost}$$

a. Summary (Annual numbers)	Reporting	Recordkeepin g	Disclosure
# of Respondents	480		
# of Responses per respondent	1.25		
Time per Response	30min		
Total # of responses	599		
Total burden (hours)	299.5		

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

¹ [Airline and Commercial Pilots : Occupational Outlook Handbook: : U.S. Bureau of Labor Statistics \(bls.gov\)](https://www.bls.gov/occupational-outlook-handbook/)

² The wage rates of Federal employees at NPWC and NPC in Chicago were estimated using the midpoint (Step 5) for Grade 12 of the General Schedule in the Chicago locality area.[3] The Department multiplied the hourly wage rate by 2 to account for a fringe benefits rate of 69 percent[4] and an overhead rate of 31 percent.[5] Source: 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...." To isolate the overhead rate, the Department subtracted the benefits rate of 69 percent from the recommended rate of 100 percent.

Material costs for the airmen who choose to mail their information will vary from zero to approximately \$20.00 depending on the method of transmission (online submission tool, fax, commercial carrier (FedEx/UPS) or USPS mail); at the mean cost provided by respondents in question 8, ($\$25.00 / 10 = \2.50) we estimate the average annual cost to be **\$1,497.50**.

Annual number of reports (599) x \$2.50 = 1,497.50

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.

The FAA expects approximately **599** reports annually. We estimate that it will take approximately 60 minutes for the contract staff to process this information through the administrative process, and approximately 120 minutes for the average federal employee to work through all the technical processes associated with the collection of this information.

Estimated annual time would be **599** hours for the contract staff and **1,198** hours for the federal employees. The average hourly wage rate for the contract staff equaled **\$43.21**. This rate multiplied by two³ to account for benefits and overhead equals **\$86.42**. **599** hours x **\$86.42** contract staff hourly wage rate = **\$51,765.58** annual cost for contract staff

The federal employee average hourly wage equaled **\$58.50**. This rate multiplied by two to account for benefits and overhead equals **\$117.00**. **1,198** hours x **\$117.00** wage rate = **\$140,166.00** annual cost for federal employees

The annualized total cost is calculated by adding the cost paid to contract staff (**\$51,765.58**) to the cost paid to federal employees (**\$140,166.00**).

\$51,765.58 + \$140,166.00 = \$191,931.58 annualized cost to the federal government

³ The wage rates of Federal employees at NPWC and NPC in Chicago were estimated using the midpoint (Step 5) for Grade 12 of the General Schedule in the Chicago locality area.[3] The Department multiplied the hourly wage rate by 2 to account for a fringe benefits rate of 69 percent[4] and an overhead rate of 31 percent.[5] Source: 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...." To isolate the overhead rate, the Department subtracted the benefits rate of 69 percent from the recommended rate of 100 percent.

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

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Prior to October 1, 2021, any report containing information regarding multiple motor vehicle actions, was counted as multiple reports. Since then, any report containing multiple motor vehicle actions is counted as one report. Therefore the number of reports for this time period has decreased from the last ICR renewal. Based on the reduction in the number of reports, the amount of time and the cost associated with that time has reduced.

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.

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 why display would be inappropriate.

An exemption 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 to the certification statement.