

# Department of Transportation Office of the Chief Information Officer

## SUPPORTING STATEMENT:

### SUBMISSION OF TARMAC DELAY CONTINGENCY PLANS FOR FAA MODERNIZATION AND REFORM ACT

OMB Control Number XXXX-XXXX

#### JUSTIFICATION

1. 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.*

The FAA Modernization and Reform Act (the “Act”), which was signed into law on February 14, 2012, requires U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with a design capacity of 30 or more seats, and operators of large hub, medium hub, small hub, or non-hub U.S. airports to submit contingency plans for lengthy tarmac delays to the Secretary of Transportation for review and approval no later than May 14, 2012. The Act also requires each covered carrier and airport to ensure public access to its plan after DOT approval by posting the plan on its website. The submission and posting of plans are specifically required by statute and are not being imposed as an exercise of the Department’s discretion.

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.*

The information collection requirements are specifically required by statute and are not being imposed as an exercise of the Department’s discretion. The Act requires two collections of information:

The first is a requirement for certain U.S. Carriers and U.S. airports to submit contingency plans for lengthy tarmac delays to the Secretary of Transportation for review and approval no later than May 14, 2012. U.S. carrier contingency plans must contain a provision that a passenger shall have the option to deplane an aircraft and return to the airport terminal when there is an excessive tarmac delay (3 hours for domestic flights and 4 hours for international flights) at each large hub, medium hub, small hub, or non-hub U.S. airport at which they operate scheduled or public charter air service, with the following exceptions: (1) where an air traffic controller with authority over the aircraft advises the pilot in command that permitting a passenger to deplane would significantly disrupt airport operations; or (2) where the pilot in command determines that permitting a passenger to deplane would jeopardize passenger safety or security. The deplaning option also must be offered to a passenger if the flight in covered air transportation is

diverted to a commercial airport other than the originally scheduled airport. Under the Act, U.S. carrier contingency plans must also contain a description of how the carrier will: (1) provide adequate food, potable water, restroom facilities, comfortable cabin temperatures, and access to medical treatment for passengers onboard an aircraft when the departure of a flight is delayed or disembarkation of passengers is delayed; and (2) share facilities and make gates available at the airport in an emergency. Airport contingency plans must contain a description of how the airport operator, to the maximum extent practicable, will: (1) provide for the deplanement of passengers following excessive tarmac delays; (2) provide for the sharing of facilities and make gates available at the airport in an emergency; and (3) provide a sterile area following excessive tarmac delays for passengers who have not yet cleared U.S. Customs and Border Protection.

Covered carriers consist of U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with a design capacity of 30 or more seats. Covered airports consists of operators of large hub, medium hub, small hub, or non-hub U.S. airports.

The second information collection requirement is that each covered carrier and airport ensures public access to its plan after DOT approval by posting the plan on its website.

**3. 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.***

The Enforcement Office has established a web address for the filing of contingency plans to enable covered U.S. airlines and airports to submit easily their required plans through the World Wide Web. The Act requires covered U.S. carriers and airports to post their plans on the Internet Website of the carrier or airport if they have one.

**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 purpose(s) described in 2 above.***

Not applicable. The information collection requirements are specifically required by statute and are not being imposed as an exercise of the Department's discretion. The Department is not adding to the statutorily-required action nor exercising any discretion with respect to the collection. The Department is merely acting, as directed by Congress, as a passive recipient of the information.

**5. Efforts to minimize the burden on small businesses. *If the collection of information has a significant impact on a substantial number of small businesses or other small entities, describe the methods used to minimize burden.***

The statutory information collection requirements will not have a significant economic impact on a substantial number of small entities.

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.***

The information collection requirements are specifically required by statute and are not being imposed as an exercise of the Department's discretion. If the collection is not conducted, covered carriers and airports will be in violation of the statutory requirements, as would the Department.

7. Special circumstances. ***Explain any special circumstances that require the collection to be conducted in a manner inconsistent with 5 CFR 1320.5(d)(2)(i)-(viii):***

The collection of information is consistent with 5 CFR 1320.5(d)(2)(i)-(viii).

8. Compliance with 5 CFR 1320.8. ***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 the recordkeeping disclosure, or reporting format (if any) and on the data elements to be recorded, disclosed, or reported.***

The Department published a notice in the Federal Register requesting public comment on the new requirements for submission and posting; 77 FR 22630

9. Payments or gifts to respondents. ***Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.***

There are no payments or gifts in this statute.

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

There are no such assurances in this statute.

11. 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.***

There are no questions of this nature.

12. Estimate of burden hours for information requested. ***Provide estimates of the hour burden for the collection of information. The statements should: Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form,***

***provide separate hour burden estimates for each form. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.***

*A. Requirement to submit tarmac delay plan to DOT for review and approval*

Respondents: Each large, medium, small and non-hub airport in the U.S.; U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with a design capacity of 30 or more seats.

Estimated Number of Respondents: 368 U.S. airports and 61 U.S. airlines total of 429 respondents.

Estimated Total Burden on Respondents: 736 hours for U.S. airports (Average of 2 hours per U.S. airport to prepare and submit plan through electronic submission system, since airport associations have prepared templates for use by U.S. airports); 30.5 hours for U.S. carriers (Average of 30 minutes per U.S. carrier to prepare and submit plan through electronic submission system, since U.S. carriers already have such plans in place)

Frequency: Every 5 years for covered U.S. airports; every 3 years for covered U.S. airlines.

Total Burden Hours =  $((368 \text{ airports} \times 2 \text{ hours}) / 5 \text{ years}) + ((61 \text{ airlines} \times 30 \text{ minutes}) / 3 \text{ years}) = 178 \text{ hours}$

*B. Requirement to ensure public access to tarmac delay plan after DOT approval*

Respondents: Each large, medium, small and non-hub airport in the U.S.; U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with a design capacity of 30 or more seats.

Estimated Number of Respondents: 368 U.S. airports and 61 U.S. airlines

Estimated Total Burden on Respondents: 107 hours and 15 minutes (Average of 15 minutes per respondent to post plan on website)

Frequency: Every 5 years for covered U.S. airports; every 3 years for covered U.S. airlines

Total Burden Hours =  $((368 \text{ airports} \times 15 \text{ min}) / 5 \text{ years}) + ((61 \text{ airlines} \times 15 \text{ minutes}) / 3 \text{ years}) = 23 \text{ hours}$

Grand Total Annual Burden = 178 hours (submitting) + 23 hours (posting) = 201 hours

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.***

The Department estimates that the total cost burden to respondents resulting from the requirement to prepare and submit tarmac delay plans to DOT for review and approval will be \$25,647.09. This is estimated by summing the costs to U.S. airports (\$24,626.56) and the costs to U.S. carriers (\$1,020.53).

For U.S. airports, the estimate is calculated by multiplying the number of hours (2 hours per U.S. airport) necessary to prepare and submit the plan through the electronic submission system by the cost of an hour of time for a paralegal (wage including benefits and oversight) at \$33.46 per hour (the median hourly wage for paralegals for scheduled air transportation).

For U.S. Carriers, the estimate is calculated by multiplying the number of minutes (30 minutes per U.S. carrier) necessary to prepare and submit the plan through the electronic submission system by the cost of an hour of time for a paralegal (wage including benefits and oversight) at \$33.46 per hour (the median hourly wage for paralegals for scheduled air transportation).

The Department estimates that the total cost burden to respondents resulting from the requirement that each covered carrier and airport ensures public access to its plan after DOT approval by posting the plan on its website will be \$10,939.50. This is estimated by summing the costs to the U.S. carriers (\$1,555.50) and the costs to U.S. airports (\$9,384.00).

The estimate is calculated by multiplying the number of minutes (15 minutes per U.S. carrier and per U.S. airport) necessary to submit the plan through the electronic submission system by the cost of an hour of time for a programmer (wage including benefits and oversight) at \$102.00 per hour (the median hourly wage for computer programmers for scheduled air transportation).

14. Estimate of cost to the Federal government. ***Provide estimates of annualized cost to the Federal Government.***

There is minimal cost to the federal government of setting up an online submission system where U.S. airlines and airports can submit their required plans. Cost is estimated to be approximately \$15,000.

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

This is a new information collection.

16. Publication of results of data collection. *For collections of information whose results are planned to 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.*

We are not planning on publishing or posting the submitted tarmac delay plans, as the airlines and airports are required by statute to post the approved plans on their websites.

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 collections, explain the reasons that display would be inappropriate.*

Not applicable.

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

Not applicable.