

Department of Transportation Office of the Chief Information Officer

SUPPORTING STATEMENT:

Office of Aviation Consumer Protection Webpage Online Aviation Online Complaint Form and Related Uses of a Modernized Aviation Consumer Protection Information Technology System

OMB Control Number 2105-0568

SUMMARY:

The Department of Transportation (Department) is revising an OMB control number due to the Office of Aviation Consumer Protection's (OACP) ongoing IT system modernization project. OACP's legacy Consumer Complaint Application (CCA) is outdated, and the office is modernizing the IT system to streamline the consumer complaint handling process and create greater efficiencies for OACP personnel and external users of the system (e.g., consumers and regulated entities). The modernized IT system is known the Aviation Complaint, Enforcement, and Reporting System (ACERS).

This supporting statement addresses revisions being made to OACP's Consumer Submission process (Complaints, Comments, Compliments) ICR that is already covered by active OMB Control Number 2105-0568 (OST Docket No. DOT-OST-2011-0022) and two new ICRs that are newly added to this control number (discussed below).

OACP monitors compliance with and investigates violations of the Department's aviation economic requirements, which includes consumer protection and civil rights requirements. Currently, consumers may submit service-related complaints against air carriers or air travel-related companies using an online form that can be accessed on OACP's website. The form includes a field for consumers to describe their specific air-travel related problem or comment to OACP. The updated consumer submission process in ACERS includes additional information fields. It also ensures that individual air consumer concerns are comprehensively captured by guiding consumers to enter specific information relevant to their complaint.

Based on Calendar Year (CY) 2021/2022 information¹, 62,098 of the 63,807 average total cases received by OACP (approximately 97%) were submitted using the electronic online form. The vast majority of the submissions are consumer complaints. Information from complaints and airline and travel company responses may be used by the office to determine whether these

¹ As of CY 2020, OACP has received a higher number of online submissions than those submitted in prior CYs. For example, our CY17-19 average was 16,348 complaints submitted per year. In 2020, the total was 100,613 and were mostly related to flight cancellations and refund issues that resulted from the Covid-19 pandemic. In CYs 21 and 22, the number of submissions remain high but are lower than the number of complaints submitted in CY2020.

entities are in compliance with federal aviation consumer protection and civil rights laws and what, if any, action should be taken regarding issues raised in consumer complaints. The information submitted via the online form may also be used to ascertain consumer satisfaction with air transportation services and serve as a basis for rulemaking, legislation, and research.

As noted above, the Department is also revising the OMB control number to include two new ICRs related to external users, such as regulated entities or government users, that may use the modernized IT system to 1) set up and manage individual accounts and 2) access complaints and other submissions and/or submit complaint responses, reports, or other information into that system. The new ICRs are added, in part, to a comment submitted during the 60-day notice comment period and are more fully addressed below.

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.*

OACP has broad authority under 49 U.S.C., Subtitle VII, to investigate and enforce consumer protection and civil rights laws and regulations related to air transportation. OACP is required to investigate each disability-related complaint submitted by consumers pursuant to 49 U.S.C. § 41705. Information from complaints and airline and travel company responses assist the office in determining whether regulated entities are complying with federal aviation consumer protection and civil rights laws and what, if any, action should be taken regarding issues raised in consumer complaints. The information also helps OACP ascertain consumer satisfaction with air transportation services and serves as a basis for rulemaking, legislation, and research.

Most complaints/comments are entered in the system, including complaints (primarily) submitted directly by consumers via a website using an electronic form.² If the electronic complaint submission process is not available, the Department may receive fewer complaints, comments, and compliments from consumers. The lack of consumer input could inhibit OACP's ability to effectively investigate individual complaints against airlines and other air travel-related companies. It would also impact OACP's ability to identify patterns and practices that may violate the Department's rules.

As noted above, the two new ICRs are related to external users, such as regulated air carriers and airports, that may use the modernized IT system to 1) set up and manage individual accounts and 2) access complaints and other submissions and/or submit complaint responses, reports, or other information to the Department.

More specifically, ACERS is designed to provide airlines and air travel companies the ability to review consumer submissions about air transportation services directly within the system. The system is intended to facilitate more efficient interaction between OACP and regulated entities. As such, each carrier or air travel company that uses the system for complaint handling will need

² The current link to the form is located at <https://secure.dot.gov/air-travel-complaint>. Once ACERS goes live, the new link will be <https://airconsumer.dot.gov/complaint>.

to set up and manage an account for their staff to be able to access the system. The system is also designed to be used to facilitate inter-agency coordination, for example with state attorneys general, to protect the rights of consumers in air travel. State agency users will also need to set up an account in order to use ACERS.

ACERS is also designed for U.S. air carriers, foreign air carriers, and airports to efficiently submit certain statutorily required reports (e.g., reports regarding disability complaints and tarmac delay incidents) that the entities previously submitted using OACP's legacy database system or via email. Further, air carriers, air travel companies, and other external users will have the ability to upload complaint responses and related information to ACERS.

The information collection furthers the objectives of 49 U.S.C. §§ 41712, 40101, 40127, 41702, and 41705 to protect consumers from unfair or deceptive practices, to protect the civil rights of air travelers, and to ensure safe and adequate service in air transportation.

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.*

A consumer can file a complaint or comment with the office by sending a letter using regular mail, emailing, or by filing an electronic complaint via the consumer complaint form. In CYs 2021/2022, 62,098 of the 63,807 average complaints/comments submitted to the office were filed using the online complaint/comment form (approximately 97%).

All complaints are entered in DOT's online aviation industry monitoring system and attributed to the relevant airline or ticket agent in the monthly Air Travel Consumer Report. This report is distributed to the air travel industry and made available to the news media and the public so that consumers and air travel companies can compare the complaint data of individual airlines and ticket agents. Complaints and responses are reviewed by the Department to determine the extent to which air carriers and other regulated entities comply with federal aviation consumer protection and civil rights requirements and to determine when an investigation and/or enforcement action may be necessary. This system also serves as a basis for rulemaking, legislation and research.

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.*

Each consumer and industry submission (e.g., comment, report) is unique, so there is no automation. Most consumers that file a submission use the electronic form submission process. Industry users already submit consumer responses, reports, and other documents to OACP electronically.

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.*

There is no similar information collected by or available to the Department that could be used or modified for this collection of 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.***

This form will not have a significant 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.***

If the information collection is not available, the Department may receive fewer complaints and comments from consumers, most of whom file the information using the electronic consumer complaint form. The lack of information could inhibit the office's ability to identify opportunities to improve airline consumer satisfaction, effectively investigate individual complaints against an air carrier, and/or review air carrier practices for patterns and practices that may violate the Department's rules.

The collection serves to expedite the office's complaint and document/information handling process, as electronic submissions are directly uploaded into the electronic IT system which expedites OACP's ability to disseminate and/or share information, as appropriate or necessary.

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.***

On November 1, 2023, OST published a 60-day notice in the Federal Register (FR) soliciting comment on the ICR for which the agency is seeking reinstatement from OMB. The comment period ended on January 2, 2024. We received one substantive comment from Airlines for American (A4A), which is addressed below.

On June 21, 2024, OST published a 30-day notice in the FR soliciting public comment on the ICR for submission to OMB. The comment period ends on July 22, 2024. See attached, FR notices [Volume 88, Number 210 at 75095 and Volume 89, Number 120 at 52209, respectively].

OACP included two new ICRs in the 30-day notice as related to external users, such as regulated entities and other users, that may use the modernized IT system to 1) set up and manage

individual accounts and 2) access complaints and other submissions and/or submit complaint responses, reports, or other information into that system.

The first new ICR to set up and manage accounts was not part of ACERS development at the time the 60-day notice was published. The additional functionalities were added in response to feedback from internal users and regulated entities. This will facilitate use of ACERS by external entities but will result in some additional burden associated with this new collection. Regarding the second new ICR, external entities already electronically submit documents to OACP in the regular course of business.³ This PRA action captures the estimated burden for entities to use ACERS to submit responses to consumer complaints, upload related documents, and upload additional reports. At times, non-regulated entities (e.g., state attorneys general) may use ACERS to submit consumer complaints and referrals/reports to our office.

OACP more fully addresses the new ICRs and A4A's comments in the 30-day FR notice but notes that OACP enforcement/investigatory policies and practices and the complaint information published in the ATCR are outside the scope of this notice. Many of A4A's concerns regarding complaint review and challenge processes relate to policy decisions and not to the new system. The IT modernization implementing ACERS as OACP's new IT system will allow the Department to upgrade its online consumer submission form and provide regulated entities and certain other users with information submission and account management functionality. This PRA action is limited to those uses.

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 rule.

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

The Privacy Act is applicable and regulates the manner in which the Department handles personal information. The information is covered by System of Records Notice (SORN) DOT/OST 102 – Aviation Consumer Complaint Application (CCA) Online System - 84 FR 2663 – February 7, 2019. On December 5, 2023, a Privacy Impact Assessment (PIA) was made public on the DOT's website. The PIA is available at <https://www.transportation.gov/individuals/privacy/aviation-complaint-enforcement-and-reporting-system-acers>.

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*

³ The Department has regulations requiring air carriers/air travel industry to submit certain reports (e.g., annual disability reporting) to OACP. The burdens associated with those reports are addressed in separate OMB control numbers.

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. However, a consumer who uses the online form may voluntarily include information regarding a sensitive issue, such as a passenger’s medical condition or disability. Documents provided to OACP by external/regulated entities may also contain such information. The modernized IT system was developed to include features that make redacting PII more efficient.

The Department uses the data gathered to investigate complaints and determine when it is appropriate to take corrective and/or enforcement action, including issues related to passengers with a disability and/or civil rights related incidents.

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

Tables 1.1 and 1.2: Data for Collection of Information, On-Line Submission of Consumer Complaints/Comments via the Aviation Consumer Protection Division (OACP) Website Electronic Form
 (OMB Control Number 2105-0568)

As shown in Table 1 (below) approximately ninety-seven percent of the complaints received by OACP during CYs 21 through 22 were filed using the web-based form.

Table 1.1: Complaints Received by OACP (CY21/22)

Calendar Year	Total # of Complaints Filed On-line	Total # of Complaints Filed with OACP	% of On-line Submissions
2021	48,465	49,958	97.01%
2022	75,731	77,656	97.52%
Average Total	62,098	63,807	97.27%

Table 1.2: Comments (Non-complaints) Received by OACP (CY21/22)

Calendar Year	Total # Information Requests	Total # Compliments	Total # Opinions
2021	5799	14	444
2022	7575	24	1008

Average Total	6,687	19	726
			Total Yearly Average: 6,782

1. Revision of Consumer Submissions (Complaints, Comments) ICR

Burden Calculation for Complaints (Table 1.1):

Estimated Number of Respondents: 62,098 (based on averaging data from CYs 2021-22).

Estimated Complaint Burden on Respondents: 15,524.5 hours (931,470 minutes). The estimate was calculated by multiplying the average number of cases filed using the online form in CYs 21-22 (62,098) by the estimated time needed to fill out the online form (15 minutes).⁴

Burden Calculation for Comments (Table 1.2):

Estimated Number of Respondents: 6,782 (based on averaging data from CYs 2021-22).

Estimated Comment Burden on Respondents: 565 hours (33,910 minutes). The estimate was calculated by multiplying the average number of cases filed using the online form in CYs 21-22 (6,782) by the estimated time needed to fill out the online form (5 minutes).⁵

Total Burden Calculation for Complaints and Comments (Tables 1.1 and 1.2):

Estimated Total (Complaint and Comment) Burden on Respondents: 965,380 minutes [931,470 + 33,910]/16,090 hours [15,525 + 565]. The burden was calculated by multiplying the total estimated number of respondents by the estimated time to file a complaint (15 min. per account), plus the time to add/change other users of the account (5 min. per account).

Frequency: A maximum of one set of information to be submitted per year for each respondent. (Note: The total number of submissions reflects a count for the total number of on-line complaints/comments submitted to OACP and a small portion of that number may reflect multiple submissions from the same individuals).

Tables 2.1 and 2.2: ACERS Account Creation and Management

Table 2.1: List of Entities by Type and Estimated Number of Accounts

Entity Type	Number of Respondents/Initial	Estimated Account Holders	Total Estimated Account Holders
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⁴ Feedback obtained during development of the modernized guided input process suggests that the form will take no longer than 15 minutes for a consumer to complete.

⁵ An air consumer submitting these types of filing generally provide less information, so we estimate 5 minutes is sufficient.

	Accounts	per Entity	per Entity
Large Air Carriers	15	10	150
“Other” Air Carriers	76	2	152
Foreign Carriers	147	2	294
Large Air Travel Agents	19	2	38 per
Other Travel agents and tour operators	61	1	61
US Airport	391 ⁶	2	782
Other Industry ⁷ (e.g., State AGs)	85	2 per AG (25), 1 per others	110
SubTotal:	794		1,587
Estimated Adjustments (18%)			286
TOTAL:	794		1873

Table 2.2 Estimated Total Burden Hours

Number of Initial Accounts	X 30 minutes setup per account	Number of “Other” Accounts	X 15 minutes setup per account	Total =
794	23,820 min./397 hr.	1079	16,185 min./270 hr.	40,005 min./667 hr.

2. External User Account Creation and Management ICR

Respondents: Air Travel Industry and Other Users that Create and Manage Accounts Using OACP’s Modernized IT System.

Estimated Number of Respondents:

⁶ Based on FAA CY22 information, there are 31 large, 33 medium, 73 small, and 254 non-hub covered airports. See, <https://www.faa.gov/sites/faa.gov/files/2023-09/cy22-commercial-service-enplanements.pdf>.

⁷ The Department has an MOU with 18 AGS and another 7 are anticipated to join the MOU. This estimate considers that other government entities (including additional AGS) or users may need to access ACERS before this OMB control number needs renewed.

Total = 1,873

Initial Account Creation = 794 (719 air travel industry and 75 “other” users).

Supplemental Account = 1079 (supplemental account holders/user).

Estimated Total Burden on Respondents: 40,005 minutes/667 hours. The burden was calculated by multiplying the total estimated number of initial accounts created by the estimated time to create the account (794 x 30 min. = 23,820 minutes/397 hours), plus the estimated number of additional personnel added to the account by the time to add/change those users (1079 x 15 min. = 16,185 minutes/270 hours).

Frequency: A maximum of one account set up per user (e.g., air carrier). One time per user to add relevant user names/information; plus an estimate of 18% in personnel changes per account, per year.

Tables 3.1 and 3.2: Uploading Responses to Consumer Complaints and Other Documents

Table 3.1: Estimate of Regulated and Non-Regulated Entities and ACERS Submissions

Entity Type	Respondent Number	Estimated Total Responses	Estimated Initial Submissions (80%) x 5 min.	Estimated Follow-Up Submissions (20%) x 30 min.
Regulated (Air carriers and travel agents)*	318	62,098	49,678	12,420
Other Industry/Entities	85	1,700**	1,280	320
TOTAL:	403	63,798	51,038	12,760

* See, Table 1.1 for total complaints filed. For number of respondents, airports are not included in this number as they only submit tarmac delay contingency plans to OACP and that number is accounted for in a separate OMB control number.

**Estimating an average of 20 submissions per entity, per year.

Table 3.2: Estimated Burden for ACERS Response Upload and Follow-Up

Estimated Initial Responses	X 5 min.	Estimated Follow-Up Submissions	X 30 min.	Total Estimated Burden
51,038	255,190 min./4,253 hrs.	12,760	382,800 min./6,380 hrs.	637,990 min./10,633 hrs.

3. IT System Uploading Complaint Responses and Documents to the Modernized IT System:

Respondents: Air Travel Industry and Other Users that Upload Documents into OACP's Modernized IT System

Estimated Number of Respondents: 403 air travel industry and “other” users.

Estimated Total Burden on Respondents: 637,990 minutes/10,633 hours. The burden was calculated by multiplying the estimated number of initial documents to be uploaded by the time to upload the document (51,038 x 5 min. = 255,190 minutes/4,253 hours) plus the estimated number of follow-up documents to be uploaded by the time to upload the documents (12,760 x 30 min. = 382,800 minutes/6,380) hours into the system.

Frequency: For initial responses, the average number per year, per entity is 127. For follow-up responses, the average number per year, per entity is 32. Larger carriers/industry will probably submit most more responses and smaller entities may submit less.

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

The Department estimates that the total annual cost burden to respondents resulting from the first requirement will be negligible, as the vast majority of consumers submit information via the electronic form and they will already have access to a computer and a web provider by which to submit their complaint or other information.

The Department estimates the total annual cost burden to respondents for the second and third requirements will be \$431,321.⁸ The estimate is calculated by multiplying the number of hours to create/manage accounts and to upload documents [667 + 10,633 = 11,300] by the cost of an hour of time for a senior level customer service representative (wage including benefits and oversight) at \$38.17 per hour.⁹

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

The annual costs to the Department for processing consumer complaints/submissions is minimal, as these tasks are within the scope of duties of the office's personnel and the majority of submissions are uploaded directly into the office's electronic database for processing.

The modernized IT system is currently being developed and is anticipated to be ready for use in July 2024. OACP anticipates there will be continued development after launch based on user feedback. In addition, the Department will incur annual costs for operations and maintenance.

⁸ Note: This SS reflects a very minor adjustment of the burden/costs from the tables submitted in the FR notices. The SS reflects a total increase of 12.5 hours and \$477 in costs.

⁹ The average wage for the top 10% of customer service representatives is \$29.45. See, <https://www.bls.gov/ooh/office-and-administrative-support/customer-service-representatives.htm#tab-5>. We account for benefits by multiplying wage rate by 29.6% See, <https://www.bls.gov/news.release/pdf/ecec.pdf>. (March 2023 BLS Employer Costs for Employee Compensation ratio of total compensation to wages & salaries).

The Department estimates annual operation and maintenance costs of approximately \$217,000 and annual software license costs of approximately \$500,000. [Total = approx. \$717,000 with future increases to adjust for inflation]. Additional new development will be funded by a grant from the Technology Modernization Fund (TMF) that the Department received for this project. Additional development costs will vary by year.¹⁰

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

The consumer complaint form has been modified to capture more information that is relevant to our office. Two new ICRs were added to this OMB control number for industry account log-in/management and uploading responses to consumer complaints and other information to the system. As such, there is a net increase in total burden hours/costs.

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.***

The number of complaints submitted by consumers is entered into the Department's computerized aviation industry monitoring system and is attributed to the airline or ticket agent that is the subject of the complaint in the monthly Air Travel Consumer Report. This is a longstanding monthly report that includes a variety of aviation-related information collected by the Department, including the number of consumer complaints. The report is distributed to the industry and made available to the news media and the general public so that consumers and air travel companies can compare the records of individual airlines and tour operators. These reports are available at <https://www.transportation.gov/airconsumer>.

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.

¹⁰ The first TMF funding was added in March 2024 in the amount of \$195,024.