

Department of Transportation

SUPPORTING STATEMENT ENHANCING AIRLINE PASSENGER PROTECTIONS

OMB Control Number 2105-0561

INTRODUCTION

This is a request for the Office of Management and Budget (OMB) to approve reinstatement of OMB Control No. 2105-0561, which expired on August 31, 2024.

OMB control number 2105-0561 addresses five information collections: (1) posting of tarmac delay plans, customer service plans, and contracts of carriage on carrier Web sites, (2) submission of a narrative report regarding tarmac delays that last over three hours for domestic flights and four hours for international flights, (3) adoption and audit of customer service plans and retention of results, (4) display of on-time performance data on carrier Web sites, and (5) submission of a data report for tarmac delays that last over three hours for domestic flights and four hours for international flights.

Part A. 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. ATTACH A COPY OF THE APPROPRIATE SECTION OF EACH STATUTE AND REGULATION MANDATING OR AUTHORIZING THE COLLECTION OF INFORMATION.*

On Dec. 30, 2009 and April 25, 2011, the U.S. Department of Transportation (Department) issued two rules to enhance airline passenger protections that, among other things, required U.S. and foreign carriers to adopt and audit a customer service plan, retain information regarding tarmac delays, submit data regarding tarmac delays, and post tarmac delay plans, customer service plans, and contracts of carriage on their Web sites.¹ The 2009 rule also required U.S. carriers that file on-time performance reports under 14 CFR part 234 (“reporting carriers”) to display the on-time performance of domestic flights on their Web sites.² A 2016 rule then expanded the definition of U.S. carriers considered reporting carriers.³

On May 3, 2021, the Department issued an additional rule narrowing the tarmac delay data reporting requirements in 14 CFR part 244 to those delays considered “excessive tarmac delays” (i.e., those tarmac delays exceeding 3 hours on domestic flights and 4 hours on international

¹ 74 FR 68983 (Dec. 30, 2009) & 76 FR 23110 (Apr. 25, 2011).

² 74 FR 68983.

³ 81 FR 76800 (Nov. 3, 2016).

flights).⁴ The amended rule also required carriers to file a narrative report regarding such tarmac delays and eliminated the requirement to retain the delay information for two years.⁵

The current requirements of this information collection are codified at 14 CFR 234.2, 234.11, 244.2, 244.3, 259.2, and 259.4 through 259.6.

The information collections further the objectives of 49 U.S.C. § 42301 to prevent and mitigate excessive tarmac delays. They also further the objectives of 49 U.S.C. §§ 41712, 40101(a)(4), 40101(a)(9), and 41702 to protect consumers from unfair or deceptive practices, 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. EXCEPT FOR A NEW COLLECTION, INDICATE THE ACTUAL USE THE AGENCY HAS MADE OF THE INFORMATION RECEIVED FROM THE CURRENT COLLECTION.

The department already requires the five information collections addressed in OMB Control No. 2105-0561 because of the following final rules: Enhancing Airline Passenger Protections (EAPP) #1 (74 FR 68983, December 30, 2009), EAPP #2 (76 FR 23110, April 25, 2011), EAPP #3 (81 FR 76800, November 3, 2016), and the Tarmac Delay Rule (86 FR 23260, May 3, 2021). There are no new information collections associated with this reinstatement request.

Posting of Tarmac Delay Plans, Customer Service Plans, and Contracts of Carriage on Carrier Web Sites – 14 CFR 259.2 and 259.6

The requirement to post tarmac delay plans, customer service plans, and contracts of carriage on carrier Web sites applies to U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with a designed seating capacity of 30 or more seats, and foreign air carriers that operate scheduled passenger service to and from the U.S. using any aircraft with a designed seating capacity of 30 or more seats. Each U.S. carrier that has a Web site and each foreign air carrier that has a Web site marketed to U.S. consumers, and that is required to adopt a tarmac delay plan, customer service plan, and contract of carriage, must post these documents on its website in easily accessible form. The Department requires carriers to post these documents so that consumers can review a carrier's policies and procedures and better understand consumer air travel rights.

Submission of a Narrative Report Regarding Tarmac Delays that Last Over Three Hours for Domestic Flights and Four Hours for International Flights – 14 CFR 259.2 and 259.4(g)

The narrative reporting requirement applies to U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with a designed seating capacity of 30 or more seats, and foreign air carriers that operate scheduled passenger service to and from the United States using any aircraft with a designed seating capacity of 30 or more seats. Such carriers are required to submit to the Department's Office of Aviation Consumer Protection (OACP) a written description of each flight that experiences a tarmac delay of 3 hours or more on a domestic flight and 4 hours or more for an international flight at a U.S. airport. The description

⁴ 86 FR 23260 (May 3, 2021).

⁵ *Id.*

must include the name of the carrier, the origin and destination airports, the location of the incident, and an explanation of the incident that includes the cause of the delay, actions to minimize passenger hardship, and the resolution of the incident.

This requirement provides OACP qualitative information on excessive tarmac delays that occur in the U.S. This information permits OACP to fulfill its mandate to investigate tarmac delay incidents that occur at covered U.S. airports and enforce the Department's tarmac delay requirements. This requirement also promotes Departmental efficiency by requiring carriers to provide information related to tarmac delay incidents that occur at U.S. airports sooner, without prompting from the Department, which permits the Department to reallocate its limited resources to other matters.

Adoption and Audit of Customer Service Plans and Retention of Results – 14 CFR 259.2 and 259.5

The requirement for carriers to adopt customer service plans and retain the results of their annual self-audit of compliance with their plans for two years applies to all flights of certificated or commuter air carriers if the carrier operates scheduled passenger service or public charter service using an aircraft originally designed to have a passenger capacity of 30 or more seats, and to all flights to and from the U.S. of a foreign carrier if the carrier operates scheduled passenger or public charter service to and from the U.S. using any aircraft originally designed to have a passenger capacity of 30 or more seats. The Department uses the results of the carrier self-audits to monitor carriers' compliance with their plans. The information assists the Department to determine if a carrier has a pattern or practice of unfair or deceptive treatment of consumers.

Display of On-Time Performance Data on Carrier Web Sites – 14 CFR 234.2 and 234.11

The on-time performance data requirement applies to U.S. carriers that operate scheduled passenger service that accounts for at least 0.5 percent of domestic scheduled passenger revenue in the most recent reported 12-month period and that market flights directly to consumers via a Web site. It requires that at a point before the consumer selects a flight for purchase, the following information be provided for each listed flight regarding its on-time performance during the most recent calendar month for which the carrier has reported on-time performance data to the Department: 1) the percentage of arrivals that were on time (within 15 minutes of scheduled arrival time); 2) the percentage of arrivals that were more than 30 minutes late (with special highlighting if the flight was more than 30 minutes late more than 50% of the time); and 3) the percentage of flight cancellations if the flight is cancelled more than 5% of the time. This information helps consumers select the flights that best suit their needs and preferences.

Submission of a Data Report for Tarmac Delays That Last Over Three Hours for Domestic Flights and Four Hours for International Flights – 14 CFR 244.2 and 244.3

The data report submission requirement applies to U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with 30 or more seats, and foreign air carriers that operate scheduled passenger or public charter service to and from the United States using any aircraft with a designed seating capacity of 30 or more seats. Such covered carriers must report all passenger flights that experience a tarmac delay exceeding 3 hours for domestic flights and 4 hours for international flights, to the extent information for those flights is not reported by

U.S. reporting carriers under 14 CFR Part 234. To be covered, the tarmac delay must have occurred at a U.S. large hub, medium hub, small hub, or non-hub airport. This information must be reported to the Bureau of Information Statistics (BTS).

The data reporting requirement provides critical information to the Department regarding excessive tarmac delays that occur in the U.S. The data are also incorporated into the Department's monthly *Air Travel Consumer Report*. The information in that report, including a list of tarmac delays that are reported to the Department, enables aviation consumers to make informed decisions about carriers and forms the basis for statistical research. OACP also uses those data for investigation and enforcement purposes, as well as to track and investigate large-scale events involving multiple carriers.

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, E.G. PERMITTING ELECTRONIC SUBMISSION OF RESPONSES, AND THE BASIS FOR THE DECISION FOR ADOPTING THIS MEANS OF, COLLECTION. ALSO DESCRIBE ANY CONSIDERATION OF USING INFORMATION TECHNOLOGY TO REDUCE BURDEN.*

With respect to the first information collection ("Posting of Tarmac Delay Plans, Customer Service Plans, and Contracts of Carriage on Carrier Web Sites"), the use of electronic techniques is central to the collection because carriers must post the tarmac delay plans, customer service plans, and contracts of carriage to their websites in order to ensure consumers can easily access the documents.

With respect to the second information collection ("Submission of a Narrative Report Regarding Tarmac Delays that Last Over Three Hours for Domestic Flights and Four Hours for International Flights"), the Department intends for carriers to use OACP's electronic Aviation, Complaint, Enforcement, and Reporting System (ACERS),⁶ which is in the process of being implemented. This system will enable carriers to submit reports electronically and will facilitate review by OACP staff. Until the system becomes operational, carriers will submit their reports to OACP by email.

With respect to the third collection of information ("Adoption and Audit of Customer Service Plans and Retention of Results"), a covered carrier is free to determine whether it would like to use automated, electronic, mechanical, or other technological collection techniques or forms of information technology in retaining the proposed information.

With respect to the fourth collection of information ("Display of On-Time Performance Data on Carrier Web Sites"), the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology is central to the collection because the rule requires that certain on-time performance information be published on a covered carrier's Web site for consumers to view. It requires that a covered carrier upload the on-time performance information for the previous month into its internal reservations systems on the fourth Sunday of each month.

⁶ OMB control number 2105-0568 addresses the information collection relating to carriers uploading documents to ACERS.

With respect to the fifth collection of information (“Submission of a Data Report for Tarmac Delays That Last Over Three Hours for Domestic Flights and Four Hours for International Flights”), the reports shall be made in the form and manner set forth in accounting and reporting directives issued by BTS’s Office of Airline Information. That office has specified that the information be provided to them electronically at <http://esubmit.rita.dot.gov>.

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 PURPOSES DESCRIBED IN ITEM 2 ABOVE.

None of the information being required is available through other means.

The first information collection requires U.S. and foreign carriers to post customer service plans, tarmac delay plans, and contracts of carriage on their websites to make the information readily available to consumers.

The second collection of information contains narrative information that is used by OACP for investigative and enforcement purposes. For foreign carriers, this information is not required by other statutes or regulations. For U.S. carriers, this information is required by 49 U.S.C. § 42301(h); however, when a U.S. carrier files a report under the revised regulation, the filing fulfills the reporting requirement under 49 U.S.C. § 42301(h) and no duplicative report is required.

For the third collection of information, covered U.S. and foreign carriers are required to adopt and audit their customer service plans and retain the results of audits for two years because that information is not available through other means.

With respect to the fourth information collection, the requirement that carriers disclose on-time performance for individual flights on a carrier’s website ensures that consumers making reservations through a carrier’s website are presented on-time performance information.

The fifth information collection takes the form of data (in a .csv format) that is the basis for statistical analysis and research by Departmental entities, including BTS and OACP, as well as the public. The data is incorporated into the bureau’s database. The requirement minimizes duplication of data submissions by limiting the reports required under 14 CFR Part 244 to those flights that are not already reported under 14 CFR Part 234, which has separate reporting requirements under a different OMB control number (2138-0041).

5. Efforts to minimize the burden on small businesses. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES, DESCRIBE ANY METHODS USED TO MINIMIZE BURDEN.

These information collections will not have a significant economic impact on 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 first collection requiring carriers to post tarmac delay plans, customer service plans, and

contracts of carriage is not conducted, consumers could have difficulty finding relevant policies and contractual provisions on the carrier's website, leading to consumers being less informed of their rights. Furthermore, it would make it more difficult for OACP to easily access these documents for the purpose of determining their adequacy and whether action needs to be taken to protect consumers.

If the second collection requiring the submission of narrative reports for excessive tarmac delays is not conducted, OACP may not learn about a tarmac delay until a consumer complaint is received, if at all. Such complaints, if received, could arrive after critical evidence is lost. For example, certain air traffic data is discarded after 45 days. The result could be that the Department is unable to effectively investigate tarmac delay cases, which could lead to greater consumer harm. It would also require OACP to expend extra time and resources to make inquiries to determine whether or not a lengthy tarmac delay occurred and if so, the details of the incident.

If the third collection requiring carriers to adopt a Customer Service Plan and retain the results of their annual self-audit of compliance with the plan for two years is not conducted, carriers may not ensure that consumers are aware of the protections that are afforded to them under 14 CFR 259.5 or regularly assess whether they are actually affording consumers the protections listed in their plans. Furthermore, the Department would not be able to easily access the plans to determine their adequacy, tell what efforts carriers are making to comply with their plans, or whether action is needed to protect consumers.

If the fourth collection regarding displaying on-time performance on a reporting carrier's Web site is not conducted, consumers could lose access to data regarding potential flight options, resulting in less information about which flight options best suit their needs. Furthermore, the Department would not be able to ensure that consumers using a large U.S. carrier's Web site to make a reservation will be provided the necessary information regarding a carrier's on-time performance to select their flights.

If the fifth collection is not conducted, BTS would have incomplete information related to tarmac delays, which could include a lack of information on any tarmac delays occurring on international flights. This information could also be excluded from *Air Travel Consumer Reports* and BTS' database, which would deprive consumers and members of the public of critical information regarding tarmac delays.

7. Special circumstances. 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;*

Information collections 2 and 5 are required for each instance an excessive tarmac delay occurs. For the collection related to tarmac delay data, a report is required within 15 days of the last day of the month in which the tarmac delay occurs. For the collection related to the written description of a tarmac delay incident, a report is required within 30 days of the incident. To the extent that a carrier does not experience an excessive tarmac delay, neither of the two information collections will be required. The frequency of reports is dependent on the frequency

that tarmac delays occur with a given carrier.

The other information collections are not required to be reported to the agency. They are required as displays on carrier websites.

- *REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER RECEIPT OF IT;*

Information collection 2, which requires carriers to provide a written description of a tarmac delay, was written to be consistent with the statutory requirement for U.S. carriers under 49 U.S.C. 42301(h). The Department requires that narrative reports or tarmac delays be submitted within 30 days of the date an excessive tarmac delay occurs, which is consistent with the time frame reports are due for U.S. carriers under 49 U.S.C. 42301(h).

For information collection 5, which relates to tarmac delay data, carriers are required to submit a report within 15 days of the last day of the month in which an excessive tarmac delay occurs. In certain scenarios, a report of tarmac delay data may be required less than 30 days after an excessive tarmac delay occurs. (For example, if an excessive tarmac delay occurs on April 30, a report with data from the delay would be due under 14 CFR 244.3 by May 15.) However, these requirements are longstanding, and carriers have advance notice of these requirements. Delaying the report of data beyond the timeline specified in these requirements could result in missing information on the BTS website and in the *Air Travel Consumer Report*. Consumers would have access to carrier on-time performance information, including domestic tarmac delays, under 14 CFR Part 234, but they would lack information regarding some international tarmac delays. Information available would be inconsistent and misleading as a result.

- *REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;*

Not applicable.

- *REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT, GRANT-IN-AID, OR TAX RECORDS FOR MORE THAN THREE YEARS;*

Not applicable.

- *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;*

Not applicable.

- *REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;*

Not applicable.

- *THAT INCLUDES A PLEDGE OF CONFIDENTIALITY THAT IS NOT SUPPORTED BY AUTHORITY ESTABLISHED IN STATUE 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

Not applicable.

- REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE SECRET, 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.

Not applicable.

8. Compliance with 5 CFR 1320.8: PROVIDE AN ELECTRONIC COPY AND IDENTIFY THE DATE, VOLUME NUMBER AND PAGE NUMBER OF THE PUBLICATION IN THE FEDERAL REGISTER OF THE AGENCY'S NOTICE (FOR A 60-DAY AND A 30-DAY NOTICE), REQUIRED BY 5 CFR 1320.8(d), SOLICITING COMMENTS ON THE INFORMATION COLLECTION PRIOR TO SUBMISSION TO OMB.

The Department published a 60-day PRA Notice of Submission of Proposed Information Collection in the Federal Register (89 FR 44758 (May 21, 2024)).⁷ The notice was also posted to docket DOT-OST-2010-0140. The Department did not receive any comments.

The Department published a 30-day PRA notice in the Federal Register (89 FR 73188) on September 9, 2024. The notice was also posted to docket DOT-OST-2010-0140.

9. Payments or gifts to respondents. EXPLAIN ANY DECISION TO PROVIDE A PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN ENUMERATION OF CONTRACTORS OR GRANTEEES.

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.

There are no such assurances in this rule.

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.

The information collections referenced in this document do not contain any questions of this nature.

12. Estimate of burden hours for information requested: PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION. THE STATEMENT SHOULD:

- INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSE, ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED.

⁷ <https://www.govinfo.gov/content/pkg/FR-2024-05-21/pdf/2024-11140.pdf>.

- *PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOUR BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES.*

- **Table 1: Data for Collection of Information, Enhancing Airline Passenger Protections** (OMB Control Number 2105-0561); Requirements 1 through 5 (Rounded to the nearest dollar)

	Posting of Tarmac Delay Plans, Customer Service Plans, and Contracts of Carriage on Carrier Web Sites	Submission of Narrative Report Regarding Excessive Tarmac Delays	Adoption and Audit of Customer Service Plans and Retention of Results	Display of On-Time Performance Data on Carrier Web Sites	Submission of Data Report for Excessive Tarmac Delays to BTS
Total # of Respondents	44 U.S. carriers and 112 foreign carriers	44 U.S. carriers and 112 foreign carriers	44 U.S. carriers and 112 foreign carriers	15 U.S. carriers	44 U.S. carriers and 112 foreign carriers
Frequency	One time per respondent	One report per respondent per tarmac delay (based on BTS data from 2022-23, 358 reports for U.S. carriers and 10 reports for foreign carriers)	One information set to maintain and retain per year per respondent	One time per month per respondent	One report per respondent per tarmac delay (based on BTS data from 2022-23, 368 total reports for U.S. and foreign carriers)
Burden per Respondent	For U.S. and foreign carriers, 55 minutes	For U.S. carriers, 2 hours per report and for foreign carriers, 4 hours per report	For U.S. and foreign carriers, 15 minutes per year	2 hours per month (24 hours annually)	For U.S. and foreign carriers, 30 minutes per report
Total Annual Burden (in minutes and hours)	143 hours total	756 hours annually	39 hours annually	360 hours annually	184 hours annually
Total Burden Costs (Salary)	\$4,949.00	\$26,165.00	\$1,350.00	\$12,460.00	\$6,370.00

1. *Title: Posting of Tarmac Delay Plan, Customer Service Plan, and Contract of Carriage on Web site.*

Number of Respondents: 44 U.S. air carriers and 112 foreign air carriers.

Frequency of Responses: Once per carrier.

Estimated Total Burden on Respondents: 143 hours total (calculated by multiplying 156 total carriers x 55 minutes per carrier to post its plan and contract of carriage on its Web site). The burden calculation accounts for additional time carriers may spend updating the contents of their

customer service plans to comply with recent amendments to 14 CFR 259.5.^{8 9} The Department anticipates the update will be a one-time occurrence.

Regarding the salary costs, the Department estimates that the total annual burden of the first information collection (“Posting of Tarmac Delay Plan, Customer Service Plan, and Contract of Carriage on Web site”) will be \$4,949.00 (\$4,949.23 rounded down). This number is based on the total number of burden hours expected by this information collection (143) multiplied by \$34.61 (the median hourly wage plus benefits for legal secretaries and administrative assistants).¹⁰

2. Title: Reporting of Tarmac Delays in a Narrative Format That Complies with 49 U.S.C. 42301(h).

Number of Respondents: 44 U.S. air carriers and 112 foreign air carriers (estimated).

Frequency of Responses: Based on reports submitted by carriers to BTS between 2022 and 2023, the Department expects an average of 368 reportable tarmac delays to occur in a given year, with an average of 358 delays on flights operated by U.S. air carriers and an average of 10 delays on flights operated by foreign air carriers.

Estimated Annual Burden on Respondents: The Department expects that the burden on carriers to file descriptive tarmac delay reports is 2 hours per report for U.S. carriers and 4 hours per report for foreign carriers. A higher number of burden hours is estimated for foreign carriers, as such carriers may have limited staff in the U.S., which may cause delays in investigating incidents and preparing information for submission. The expected burden per U.S. carrier is between 0 and 147 reports per year, and the expected burden per foreign carrier is between 0 and 2 reports per year (based on the highest annual number of tarmac delays experienced by a single U.S. and foreign carrier between 2022 and 2023), or 0.0 to 294.0 hours of burden per U.S. carrier and 0.0 to 8.0 hours of burden per foreign carrier.

Estimated Total Annual Burden: This information collection would result in an estimated annual burden of 358 reports for U.S. carriers and 10 reports for foreign carriers (based on the average number of tarmac delay reports filed with OACP for each type of carrier from 2022 through 2023), or a total of 756 hours (358 reports x 2 hours per report for U.S. carriers, and 10 reports x 4 hours per report for foreign carriers).

⁸ See 89 FR 32760 (April 26, 2024) (required customer service plans (1) to disclose that consumers are entitled to a refund if this is the case when offering travel credits, vouchers, or other compensation in lieu of refunds, and to disclose any material restrictions, conditions, or limitations on travel credits, vouchers, or other compensation offered, regardless of whether consumers are entitled to a refund, and (2) to include a statement regarding compliance with the requirements of part 262 regarding vouchers for consumers in circumstances relating to serious communicable diseases).

⁹ The burden hours for this information collection were previously 15 minutes per carrier. The burden hours have been increased to 55 minutes per carrier to account for additional time carriers may need to update their customer service plans prior to posting them on their websites.

¹⁰ The median hourly wage for legal secretaries and administrative assistants in May 2023 is estimated at \$24.37 (see <https://www.bls.gov/oes/current/oes436012.htm>). We add 42 percent for benefits to estimate total hourly compensation of \$34.61.

Regarding the salary costs, the Department estimates that the total annual burden of the second information collection (“Reporting of Tarmac Delays in a Narrative Format That Complies with 49 U.S.C. 42301(h).”) will be \$26,165.00 (\$26,165.16 rounded down). This number is based on the total number of burden hours expected by this information collection (756 hours total) multiplied by \$34.61 (the median hourly wage plus benefits for legal secretaries and administrative assistants). The total cost to foreign carriers is estimated to be \$1,384.40 (10 narrative reports x 4 hours each x \$34.61) and the total cost to US carriers is estimated to be \$24,780.76 (358 narrative reports x 2 hours each x \$34.61).

3. Title: Adopting a Customer Service Plan and Retaining Self-Audit of Customer Service Plan.

Number of Respondents: 44 U.S. air carriers and 112 foreign air carriers.

Frequency of Responses: One information set to maintain and retain per year for each respondent.

Estimated Annual Burden on Respondents: 15 minutes per year for each respondent. The estimate was calculated by multiplying the estimated time for carriers to maintain and updated Customer Service Plan and retain a copy of the carrier’s self-audit of its compliance with its Customer Service Plan by the number of audits per carrier in a given year (1). The initial costs of adopting a Customer Service Plan are not included in this estimate as most covered carriers initially adopted such plans when the requirement was promulgated in 2009 (for U.S. carriers) and 2011 (for foreign carriers).

Estimated Total Annual Burden on Respondents: 39 hours total (calculated by multiplying 156 total carriers x 15 minutes per carrier to maintain an updated Customer Service Plan and to retain a copy of its self-audit).

Regarding the salary costs, the Department estimates that the total annual burden of the third information collection (“Adopting a Customer Service Plan and Retaining Self-Audit of Customer Service Plan”) will be \$1,350.00 (\$1,349.79 rounded up). This number is based on the total number of burden hours expected by this information collection (39) multiplied by \$34.61 (the median hourly wage plus benefits for legal secretaries and administrative assistants).

4. Title: Displaying On-Time Performance Information on Carrier Web Site.

Number of Respondents: 15 carriers.

Frequency of Responses: Each covered carrier must update information for each flight listed on its Web site 12 times per year (1 time per month) for both a carrier’s own delay data and code-share delay data.

Estimated Annual Burden on Respondents: 2 hours per month (24 hours annually) per carrier to cover both updates of a carrier’s own delay data and updates of code-share delay data.

Estimated Total Annual Burden on Respondents: 360 hours (calculated by multiplying the total number of hours per carrier per year for management of data links (24) by the number of covered

carriers (15)).

Regarding the salary costs, the Department estimates that the total annual burden of the fourth information collection (“Displaying On-Time Performance on Carrier Web Site”) will be \$12,460.00 (\$12,459.60 rounded up). This number is based on the total number of burden hours expected by this information collection (360) multiplied by \$34.61 (the median hourly wage plus benefits for legal secretaries and administrative assistants).

5. *Title: Reporting Tarmac Delay Data to BTS for Tarmac Delays Exceeding 3 Hours (for Domestic Flights) and 4 Hours (for International Flights).*

Number of Respondents: 44 U.S. carriers and 112 foreign carriers.

Frequency of Responses: One report per respondent for each tarmac delay.

Estimated Annual Burden on Respondents: 30 minutes per report filed. The expected burden per U.S. carrier is between 0 and 147 reports per year, and the expected burden per foreign carrier is between 0 and 2 reports per year (based on the highest and lowest number of reports submitted by each individual U.S. and foreign carrier from 2022 and 2023), or 0.0 to 73.5 hours of burden per U.S. carrier and 0.0 to 1.0 hours of burden per foreign carrier.

Estimated Total Annual Burden on Respondents: 184 hours (based on the average number of tarmac delays reported to BTS for 2022 and 2023 (368) multiplied by 30 minutes per report).

Regarding the salary costs, the Department estimates that the total annual burden of the fifth information collection (“Reporting Tarmac Delay Data to BTS for Tarmac Delays Exceeding 3 Hours (for Domestic Flights) and 4 Hours (for International Flights)”) will be \$6,370.00 (\$6,368.24 rounded up). This number is based on the total number of burden hours expected by this information collection (184) multiplied by \$34.61 (the median hourly wage plus benefits for legal secretaries and administrative assistants).

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.*

There are no additional costs to respondents from this collection.

14. Estimate of cost to the Federal government. *PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT.*

There is no annualized cost to the federal government resulting from these information collections. The information collections will use existing government infrastructure that is already used for other collections that are not the subject of this supporting statement.

15. Explanation of program changes or adjustments. *EXPLAIN THE REASONS FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14.*

There are no changes or adjustments to the program.

16. Publication of results of data collection. *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.*

Data collected under the fifth information collection (“Reporting Tarmac Delay Data to BTS for Tarmac Delays Exceeding 3 Hours (for Domestic Flights) and 4 Hours (for International Flights)”) is published on BTS’ website and in the Department’s monthly *Air Travel Consumer Report*. Data is typically placed into a table of tarmac delays, and presented in the report which is published approximately 1-2 months after the data is submitted.

Reports collected under the second information collection (“Reporting of Tarmac Delays in a Narrative Format That Complies with 49 U.S.C. 42301(h)”) are used for investigative purposes and are not published.

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 COLLECTION, EXPLAIN THE REASONS THAT DISPLAY WOULD BE INAPPROPRIATE.*

Not applicable.

18. Exceptions to certification statement. *EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-I.*

Not applicable.