

Supplemental Justification
OMB Clearance 2120-0067

A. Justification

1. Explanation of Need for Information

Information is collected using FAA Form 1800-31. The survey is restricted to all air taxi/commercial operators that are subject to the passenger transportation tax. The response to the survey is voluntary. Data collected is to serve as an input to the FAA revenue enplanement database which is used in allocating Airport Improvement Program (AIP) funds to airports as required by 49 United States Code (USC). The information compiled under the current survey will be required in the coming years unless the data requirements as specified in 49 USC are modified.

The following citations from 49 USC established the legal and administrative requirements that necessitate this data collection. The information is collected to supply data to support these legal requirements:

Part A - Air Commerce Safety (Title 49 USC)

Section 40102(a)(2) provides that "air carrier" means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation.

Section 40104 empowers and directs the Administrator of the Federal Aviation Administration to encourage the development of civil aeronautics and air commerce in and outside the United States.

Part B - Airport Development and Noise (Title 49 USC)

Section 47101(a)(1) = "That the safe operation of the airport and airway system is the highest aviation priority."

Section 47102(10) = "Passenger boardings" means revenue passenger boardings on an aircraft in service in air commerce as the Secretary determines under regulations the Secretary prescribes; and includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for nontraffic purpose.

Section 47102(7) = "Commercial Service airport" means a public airport in a state that the Secretary determines has at least 2,500 passenger boardings each year and is receiving scheduled passenger aircraft service.

Section 47102(11) = "Primary airport" means a commercial service airport the Secretary determines to have more than 10,000 passenger boardings each year.

Section 47104(a) = "To maintain a safe and efficient nationwide system of public-use airports that meets the present and future needs of civil aeronautics, the Secretary of Transportation may make project grants under this subchapter from the Airport and Airway Trust Fund."

Section 47114(b) = "On the first day of each fiscal year, the Secretary of Transportation shall apportion the amount subject to apportionment for that fiscal year as provided in this section."

Section 47114(c)(1)(A) = "The Secretary shall apportion to the sponsor of each primary airport for each fiscal year and amount equal to . . . passenger boards at the airport during the prior calendar year."

DOT Strategic Plan

This collection supports the DOT strategic goals of mobility and economic growth.

2. Use of Information

The data collected serves as the only source of data for charter and nonscheduled passenger data by Part 135 operator (air taxis). The data received on the form is then incorporated into the Air Carrier Activity Information System which is used to determine whether an airport is eligible for AIP funds and for calculating primary airport sponsor apportionment as specified by Title 49 USC. The data collected on the form includes passenger enplanements by carrier and by airport.

To qualify as a primary airport, and, hence, become eligible to receive AIP funds, a public airport must enplane annually 10,000 or more passengers and receive scheduled passenger service of aircraft. Revenue enplaned passengers include each passenger enplaned for which a ticket tax is applied to the fare charged. The tax applies to the use of (1) any aircraft in scheduled service, and (2) the use of aircraft over 6,000 pounds maximum gross takeoff weight for commercial transportation or passengers. Funds are provided to eligible airports as follows:

Primary Commercial Service Airport is a commercial service airport designated as a primary airport that would receive not less than \$650,000 and not more than \$22,000,000. The amount is based on the following formula:

First 50,000 enplaned passengers x \$7.80
 Second 50,000 enplaned passengers x \$5.20
 Next 400,000 enplaned passengers x \$2.60
 Next 500,000 enplaned passengers x \$0.065
 Any additional enplaned passenger x \$0.50

Nonprimary Commercial Service Airport is a commercial service airport that enplanes at least 2,500 passengers annually but less than 10,000 annually. They are eligible to receive discretionary funds set aside for this purpose.

Passengers traveling on air taxis would be overlooked entirely if this passenger survey were not conducted. As a result, many airports would not receive their fair share of funds since there is currently no other source for this type of charter activity. On average over the last 3 years, 302 operators have reported a total 1.2 million passengers. This data is important to those airports that struggle to meet the 2,500 and 10,000 passenger levels and could not do so without the reporting of the charter passengers.

3. Use of Improved Technology

We have reviewed the requirements under the Government Paperwork Elimination Act (GPEA) requiring that whenever practicable we receive information electronically. While we continue to distribute the survey form on paper, we can and do accept 100% electronic responses.

4. Efforts to Identify Duplication

Reviews of various data systems within the FAA and the Department of Transportation were conducted to identify possible duplication. Contact was also made with some airport authorities. While some of the information obtained in this survey may be maintained by some airport sponsors for the purpose of establishing landing fees and payment of use of airport facilities, all airports do not maintain it nor is it recorded in a consistent format that can be used by the FAA for fund allocation.

The required information is not available through any other source. The former Civil Aeronautics Board (CAB) did, and now the Bureau of Transportation Statistics (BTS) does collect enplanement data, by regulation, from certified route air carriers, commuter air carriers, and supplemental air carriers. However, many intrastate commercial operators were not subject to the economic regulation of BTS by exemption of their operation. The small-nonscheduled air taxi operators were exempted by the CAB from complying with the air carrier economic regulation of Title V of the Federal Aviation Authorization Act of 1996. Therefore, data for these categories of air carriers must be collected by the FAA in a separate survey on an voluntary basis.

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

The majority of the survey form recipients are small business owners. However, the information collection requirement has been designed to minimize the burden on all respondents. Since many respondents were not completing the total number of departures column and it was not critical data, it has been deleted from the form.

6. Describe the consequence to federal program or policy activities if the collection were conducted less frequently.

This information collection is performed on an annual basis. Enplanement data is required annually to calculate the amount of funds to be apportioned to eligible airport sponsors on the first day of each fiscal year in accordance with Section 47114(b) of Title 49 USC. If the information collection were made less frequently, the FAA would not be able to comply with the provision of the Act.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5(d)(2).

Collection is consistent with the guidelines.

8. Consultation Outside the Agency

When the survey program was initiated, the FAA held meetings with people outside the agency to discuss the related problems relative to the data collection. Since the data requirement remains unchanged, no further discussion is necessary. A Notice was published in the Federal Register on March 26, 2007, vol. 72, no. 57, pages 14163-14164, soliciting comments on the information collected on FAA Form 1800-31. No comments were received. A copy is attached for your convenience. The survey is conducted by a contractor hired by the FAA.

9. Payment or gift respondents

No payments or gifts are made to respondents.

10. Assurance of Confidentiality

Limited confidentiality is maintained. Data is not made available to the public until 6 months after the end of the year (i.e., calendar year 2006 data will not be available until June 2007). This is the same requirement that BTS follows in releasing air carrier data to the public.

11. Sensitive Questions.

No questions of a sensitive nature are asked.

12. Collection Burden

Approximately 302 respondents submit an annual response. The annual burden hour per response is 1.5 hours with the total burden hours equal to 453 hours. This was based on the average time required to complete the survey form based on a sample of respondents conducted in prior years.

The total cost of all 302 respondents is estimated at \$11,325 (based on 453 hours for all respondents to complete the survey form and average salary hourly rate for personnel to complete the form (\$25.00 per hour)).

13. Costs not Included in item 12

There are no additional costs not already included in item 12.

14. Costs to Federal government

Cost to the Federal Government is estimated at \$9,800 annually. This is based on an estimated 200 hours of analyst time at \$35.00 per hour for editing, coding, data entry, project management, and computer cost, and \$2,800 for printing/mailing.

15. Explanation of Changes

The number of respondents reduced slightly in the three years since the previous submission for clearance. The estimated number for this report has been reduced to match this.

16. Publication

Summary data by airport is available on the internet.

17. Expiration Date for OMB Approval

This form is reprinted and dated every year.

18. Certification for Paperwork Reduction Act Submissions

There are no exceptions.

Attachments:

1. Supporting Statement
2. 30 Day Notice
3. 60 Day Notice
4. Form 1800-31
5. 49 USC 40102
6. 49 USC 40104
7. 49 USC 47101-47131