

# Department of Transportation Office of the Chief Information Officer

## SUPPORTING STATEMENT:

### **Aviation Consumer Protection Division Webpage On-Line Aviation Complaint Form**

OMB Control Number 2105-0568

#### **SUMMARY:**

The Department of Transportation is seeking to reinstate an OMB control number for the Aviation Consumer Protection Division's On-Line Aviation Complaint/Comment Form (OST Docket No. DOT-OST-2011-0022).

The Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (Enforcement Office), including its Aviation Consumer Protection Division (ACPD), monitors compliance with and investigates violations of the Department of Transportation's (Department) aviation economic requirements, including consumer protection and civil rights requirements. The ACPD's website has an on-line form by which a consumer can electronically submit a service-related complaint against an air carrier. In some cases, consumers also use the form to give a description of a specific air-travel related problem or to ask for air-travel related information from the ACPD. Based on CY17 information<sup>1</sup>, 17,844 of the 21,153 total cases (includes complaints and comments) received by the Enforcement Office were submitted using the electronic on-line form (84.3%). The vast majority of the submissions are complaints, in which 16,095 of the 18,188 total complaints received by ACPD were filed using the electronic web-based form (88.5%). The remaining complaints and cases are received by letter, email, and in some cases by telephone.

All complaints are reviewed to determine the extent to which carriers are in compliance with federal aviation consumer protection and civil rights requirements and to determine when enforcement action may be necessary. The information submitted via the on-line form also serves as a basis for rulemaking, legislation and research.

#### **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.***

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<sup>1</sup> The 60-Day FR notice reflected CY16 data. This 30-Day OMB FR notice has been updated to reflect CY17 data, which is the most current calendar year data available.

The Department's Enforcement Office 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. Each disability-related complaint must be investigated as required by 49 U.S.C. § 41705. Among other things, the Enforcement Office is also responsible for receiving and investigating service-related consumer complaints filed against air carriers. To expedite this process, the ACPD has provided the public with an on-line form, via its website, by which a consumer can electronically file such a complaint against an air carrier. See, <https://www.transportation.gov/airconsumer/file-consumer-complaint>. Once received, the complaints are reviewed by the office to determine the extent to which carriers are in compliance with federal aviation consumer protection and civil rights laws and what, if any, action should be taken.

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, telephoning, emailing, or by filing a web-based complaint. In CY 2017, 17,844 of the 21,153 complaints/comments submitted to the office were filed using the on-line complaint/comment form (84.3%).

All complaints are entered in DOT's computerized aviation industry monitoring system, and are attributed to the respective airline in question in the monthly Air Travel Consumer Report. This report is distributed to the industry and made available to the news media and the public so that consumers and air travel companies can compare the complaint records of individual airlines and tour operators. These complaints are reviewed by the Department to determine the extent to which carriers are in compliance with federal aviation consumer protection and civil rights requirements and to determine when enforcement action may be necessary. As appropriate, the office investigates the complaint with the carrier involved. 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.***

Electronic collection is central to this type of on-line complaint form and to the submission of such a complaint to the Department. A consumer is free to determine whether or not she or he would like to use the Department's electronic collection technique to submit a complaint.

**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 electronically accumulated that could be used or modified for the collection of information. The ACPD does accept complaints via regular mail and phone message, but in CY17 88.5% of complaints and 84.3% of all comments/inquiries were received via on-line submission. As such, the web-based complaint system is an integral part of the information collection process.

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. If anything, it will make the filing of complaints easier.

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 form is not available, the Department may receive fewer complaints and comments from consumers, most of whom file the information using the internet and the web-based form. The lack of information could inhibit the office's ability to improve airline consumer satisfaction, effectively investigate individual complaints against an air carrier, and/or determine patterns and practices that may develop with an air carrier's services in violation of our rules.

The collection serves to expedite the office's complaint handling process, as electronic submissions are directly uploaded into the electronic database and the information can be electronically disseminated to the appropriate parties, as necessary and appropriate.

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.***

A copy of the Federal Register Notice [October 31, 2017, Volume 82, Number 209, Pages 50483-4] soliciting comments on extending the collection of information is attached. We received no comments from the public in response to that notice.

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. On February 25, 2005, the Department published a “Notice of establishment of system of records” (SORN) in the Federal Register [February 25, 2005, Volume 70, Number 37, Pages 9436-37] and on August 21, 2004, a Privacy Impact Assessment (PIA) was made public on the DOT’s website. Both documents are available at [www.dot.gov/privacy](http://www.dot.gov/privacy).

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. However, a consumer may voluntarily include information regarding a sensitive issue, such as a passenger’s medical condition or disability. The Department uses the data gathered to investigate complaints and determine when it is appropriate to take corrective and/or enforcement action.

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**

**Table 1: Data for Collection of Information, On-Line Submission of Consumer Complaints/Comments via the Aviation Consumer Protection Division (ACPD) Website Electronic Form**  
(OMB Control Number 2105-0568)

	<b>Submissions using On-Line Complaint/Comment Form</b>
Total # of Respondents	17,844
Frequency per Respondent	1 submission per year
Burden per Respondent (in minutes)	15

Total Annual Burden (in minutes)	267,660
Total Burden Costs	Negligible
<b>Grand Total: (annual burden)</b>	<b>(4,461 hours) (267,660 minutes)</b>

Respondents: Consumers that voluntarily choose to submit a complaint or comment using the ACPD’s website (17,844 in C.Y. 2017).

Estimated Annual Burden on Respondents: A maximum of 15 minutes per year for each respondent. The estimate was calculated by multiplying the estimated time for a consumer to submit information using the on-line form (15 minutes) by the estimated total number of on-line complaints/comments submitted per respondent (one) in 2017.

Estimated Total Annual Burden: A maximum of 4,461 hours (267,660 minutes) for all respondents. The estimate was calculated by multiplying the estimated time for a consumer to submit information using the on-line form (15 minutes) by the total number of cases (complaints and comments) submitted on-line to the Department in 2017 (17,844), using the assumption that each respondent would submit information on-line once per year.

Frequency: A maximum of one set of information to be submitted per year for each respondent. (*N.b.* The 17,844 respondents reflect a count for the total number of on-line complaints and comments submitted to ACPD and a small portion of that number may reflect multiple complaints from the same individuals).

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 consumers filing via the ACPD website on-line form will already have access to a computer and a web provider by which to submit their complaint or other information. We assume the costs of electronic submissions are less than those associated with filing using regular mail (e.g. costs of stamp, envelope, paper, and amount of time) or long distance telephone charges.

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

In CY17, respondents submitted 17,844 of 21,153 total complaints and comments using the ACPD website on-line form. Costs to the Department are negligible, as processing these requests are within the scope of duties of the office’s personnel. The Department estimates that the costs to process web-based complaints are less than those received via traditional mail or telephone, as the former are uploaded directly into the office’s electronic data base for processing.

Any operation and maintenance costs attributed to this collection are minimal because the on-line form is part of the ACPD's website that is also used to provide consumers and regulated entities with information about other aspects of the Enforcement Office's programs, policies, and procedures (e.g. rules, guidance documents).

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

There are no changes or adjustments to the program. There is an increase in total burden hours as more consumers are choosing to file complaints and comments using the on-line form.

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.***

Information submitted by consumers is entered into the Department's computerized aviation industry monitoring system, and is attributed to the airline in question in the monthly Air Travel Consumer Report. This 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/air-travel-consumer-reports-2017>.

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.