

DEPARTMENT OF TRANSPORTATION

INFORMATION COLLECTION SUPPORTING STATEMENT

TITLE OF COLLECTION: 23 CFR Part 1327 Procedures for Participating In and Receiving Information from the National Driver Register

OMB CONTROL NUMBER: 2127-0001

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) renewed three-year approved clearance for the information collection entitled, 23 CFR Part 1327 Procedures for Participating In and Receiving Information from the National Driver Register.

Part A. Justification

1. *Circumstances That Make The 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.*

The National Driver Register Act of 1982, Title 49 U.S.C., Chapter 303 (as amended) requires the chief driver licensing official of a state to report to the National Driver Register (NDR) identification information regarding any individual who is denied a motor vehicle operator's license for cause, whose motor vehicle operator's license is withdrawn for cause, or who is convicted of certain serious motor vehicle related offenses (specified in the Act) or comparable offenses. States also are required to submit an inquiry to the NDR on all applicants for driver's licenses. In addition, states are required to submit inquiries to the NDR and provide responses to other authorized users of the NDR for transportation safety purposes. 23 CFR Chapter 1327 contains the procedures for participating in and receiving information from the National Driver Register. This collection of information supports the Department of Transportation's strategic goal of safety, which is to promote the public health and safety by working toward the elimination of transportation-related deaths and injuries and, reducing the economic and personal toll of traffic crashes to society.

2. *How, By Whom, And For What Purpose Is The Information To Be Used. Indicate how, by whom, and for what purpose is the information it 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 purpose of the information collection is to improve traffic and transportation safety by providing a nationwide clearinghouse of problem drivers. The information collected is used by State driver licensing agencies to identify problem drivers prior to issuing a driver license and to develop and implement driver improvement programs. The information collected is also used by employers and Federal agencies in making hiring and certification decisions. - The following groups are also authorized to receive information for transportation safety purposes:

- a. Employers of motor vehicle operators,
- b. Employers of locomotive operators,
- c. Federal Aviation Administration regarding applications for or holders of airman's certificates,
- d. U.S. Coast Guard regarding applicants for or holders of licenses, certificates of registry, or merchant mariner's documents, and for Coast Guard crew members,
- e. National Transportation Safety Board and Federal Motor Carrier Safety Administration in connection with accident investigations,
- f. Air carriers regarding individuals seeking employment as pilots, and
- g. Individuals seeking access to national security information or who are being investigated for Federal employment.

Under the provisions of the Privacy Act of 1974, individuals may request a copy of any information pertaining to themselves that may be on the NDR file.

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.*

The NDR Act of 1982 required 100% electronic data exchange between NDR and the States. Electronic data exchange was implemented in 1990. In March 2011, NDR launched a new modernized system using an Oracle relational database. The new Problem Driver Pointer System (PDPS) utilizes a server-based environment consisting of multiple CPU configurations to meet demand and allows authorized users to electronically submit and retrieve data efficiently, effectively, and economically. States use interactive communication for their routine transactions with the NDR which allows them to submit the required information automatically at the same time the individual's information is entered into the state's system. Specifically, when an individual applies for a driver's license, an inquiry is automatically transmitted to the NDR when the driver's application is entered into the state's system. Likewise, when a state records license actions that have been taken against an individual that require reporting to NDR, a transaction is automatically generated and transmitted to the NDR, submitting the individual's identification information. File Transfer Protocol (FTP) is used for batch transmission of data. To ensure that the information

contained in the NDR is accurate, states sometimes submit a “clean file” which is a confirmation of all drivers of that state who should be listed in the NDR file. States use FTP to submit this information, and a small amount of effort is required to prepare and run the data.

4. *Describe 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.*

The NDR is the only nationwide repository of “problem drivers;” that is, those individuals whose driving privileges have been withdrawn for cause or who have been convicted for certain serious traffic violations. It, therefore, does not duplicate any other system. The information contained in the NDR is not available elsewhere in a central database. The only other means for users of the NDR to determine if an individual has a problem driving record would be to query all 50 licensing jurisdictions and the District of Columbia. Congress established the NDR to serve as the central repository of information on “problem drivers” promoting information sharing among States and eliminating the need for states to contact each of the other 50 jurisdictions, and the District of Columbia individually.

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.*

The collection of information burden does not involve small businesses. It only involves the entity which effects official driver licensing actions against individuals. This entity is the state driver licensing agency.

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 primary objective of the NDR is to assist states in keeping problem drivers off the nation’s highways, thus improving traffic safety. If this collection of data, which is required by statute, is not conducted or conducted less frequently, problem drivers may go undetected and impose a danger on the roads.

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;*
 - *Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
 - *Requiring respondents to submit more than an original and two copies of any document;*

- *Requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records for more than three years;*
- *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;*
- *Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
- *That includes a pledge of confidentiality that is not supported by authority established in statute 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*
- *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.*

There are no special circumstances that require the data to be collected in a manner inconsistent with these guidelines.

8. *Compliance With 5 CFR 1320.8(D). If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to those comments. Specifically address comments received on cost and hour burden. Describe 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 recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years—even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.*

The Federal Register notice that solicited public comments for a 60-day period was published on September 2, 2015 (80 FR 53225). No comments were received.

9. *Payment Or Gifts To Respondents. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*

No payment or gift will be provided to any respondent.

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 information in the NDR is subject to the provisions and requirements of the Privacy Act of 1974 and the NDR Act of 1982. States that provide information to the NDR and the individuals to whom it pertains have the assurance that the information is accorded privacy protection in accordance with the requirements of these statutes.

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.

Not applicable. There are no questions of this nature in the NDR collection of data. NDR collects data for driver control and transportation safety purposes, as mandated by the enabling legislation. Only identification data is collected on problem drivers. The substantive data concerning the specific traffic violations is kept by the state, and when there is a match with an individual listed in the NDR, the NDR “points” to the state that holds the substantive data. The inquirer may then obtain the details of the traffic violations directly from the state of record.

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. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.*
- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.*
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in item 14.*

The number of respondents per year is 51(the 50 states and the District of Columbia). The estimated total burden on the respondents is 2,847 hours per year as follows: Submitting periodic clean files 48 hours - Submitting other authorized user inquiries 2,799 hours. The estimated annual cost associated with the burden hours is \$69,956, representing salaries and related expenses for computer assistant/support technicians to perform the tasks necessary to transmit the information. The Problem Driver Pointer System has been re-designed to be

scalable for future needs and growth. The server based environment consists of a multiple CPU configuration and is able to flex up and down to meet demand allowing increased capacity.

13. Estimate Of The Total Annual Costs Burden. Provide an estimate of the total annual cost burden to respondents or record keepers from the collection of information.

There are no other cost to be reported.

14. Estimates Of Costs To The Federal Government. Provide estimates of annualized cost to the federal government. Also, provide a description of the method used to estimate costs, which should include quantification of hours, operational expenses such as equipment, overhead, printing, and support staff, and any other expense that would not have been incurred without this collection of information.

The mission of the NDR is to maintain a repository of the information submitted by the states on problem drivers, and to process inquiries submitted by the states to obtain information on those drivers. The funding level for FY15 is \$3.5M. In FY16 and beyond funding should increase in accordance with best practices for information technology investments. NDR is a mission-critical information technology system and must comply with current and future security requirements. Additionally, requirements by agency and departmental CIO offices are a continuing challenge to fund as information technology initiatives and requirements are difficult to plan for. Other costs of operating the NDR are increasing due to demands of federal and State users -- internal information technology operational expenses, implementation of OMB Mandated Security Initiatives and operational expenses for the communications network provider to the States, the American Association of Motor Vehicle Administrators (AAMVA).

15. Explanation Of The Program Change Or Adjustments. Explain the reasons for any program changes or adjustments reported in questions 12 or 13.

There are no program changes or adjustments.

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.

Not applicable. Results of this information collection are not published.

17. Approval For Not Displaying The Expiration Date Of OMB Approval. If seeking approval to not display the expiration date for the OMB approval of the information collection, explain the reasons that display would be inappropriate.

No such approval is being sought.

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

No exceptions to the certification statement are made.