

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

SUMMARY

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

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any individual who is denied a motor vehicle operator’s license for cause, whose motor vehicle operator’s license is withdrawn for cause, or who is convicted of certain serious motor vehicle related offenses (specified in the Act) or comparable offenses.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 respond to authorized users of the NDR for transportation safety purposes.

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.

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 NDR. 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.*

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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. The 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. Secure File Transfer Protocol (SFTP) 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 SFTP 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 when 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 fifty 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 fifty 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 or municipal/local jurisdictions. It only involves State driver licensing agencies. Therefore, the actual collection of the NDR data only involves the State governments from the 50 States and the District of Columbia. These respondents are not “small government jurisdictions” or “other 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.*

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 pose 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.*

This collection involves collection of information more often than quarterly. The system is set up to collect information electronically on a daily basis. However, the frequent collection of information does not add any additional burden on the respondents because the system is set up to automatically collect the data as described in the response to Question 3. There are no other 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.*

A Federal Register notice with a 60-day comment period soliciting comments on the information collection was published on February 1, 2019 (84 FR 1270). 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 1,742 hours per year as follows: Submitting periodic clean files 184 hours - Submitting other authorized user inquiries 1,558 hours. The estimated annual cost associated with the burden hours is \$55,475.23 (breakdown shown below), representing salaries and related expenses for Clerk and Computer Systems Analyst to perform the necessary data submission tasks.

Burden Estimate Breakdown

CLEAN FILES

Estimated to receive 23 annually x 8 hours each =	184 (hours)
Hourly rate for a Computer Systems Analyst = \$42.66x\$1.46x184 hours =	\$11,460.18
(cost)	

OTHER INQUIRIES

Based on 37,379 inquires received in 2017.

Enter search. State estimate 1 minute x 37,379
37,379/60 minutes (1 hour) = **623 (hours)**
Hourly rate for Clerk = \$19.35x \$1.46x623 hours = **\$17,600.37**
(cost)

Prepare response. States often receive inquiries in batches from one source and are only required to process information received from NDR and print out pre-formatted responses and mail them to the requestor. Therefore, the State estimate is 1 minute for each inquiry. **623 (hours)**
Hourly rate for Clerk = \$19.35x\$1.46x623 hours **\$17,600.37**
(cost)

Mailing. Believe State may have a system in place for preparing mailings, that also includes batch mailings. State estimate is 30 seconds for each inquiry = **312 (hours)**
Hourly rate for Clerk = \$19.35x\$1.46x312 hours **\$8,814.31**
(cost)

Total Hours **1,558 (hours)**

TOTAL BURDEN HOURS = 1,742
TOTAL COST = \$55,475.23

<https://www.bls.gov/ooh/office-and-administrative-support/bookkeeping-accounting-and-auditing-clerks.htm#tab-1>
<https://www.bls.gov/ooh/computer-and-information-technology/computer-systems-analysts.htm>

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.*

- *The cost estimates should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major costs factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, amount*

other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.*

Other than that shown above, there is no other annual burden to the respondents as a result of this information collection requirement.

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 FY19 is \$5.4M. In FY20 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 is an adjustment to report because of a reduction of 1,105 burden hours due to continued system enhancements resulting in improved processing speed. In addition, current statistics showed a decrease in volume of Privacy Act requests submitted by the States and

inquiries by Federal agencies, which also contributed to the drop in burden hours. The decrease could be for a number of reasons, but would only be speculation, as NDR does not have the additional insight.

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.

The information collected is made available to the following groups electronically for transportation safety purposes: employers of motor vehicle operators; employers of locomotive operators; Federal Aviation Administration regarding applications for or holders of airman's certificates; U.S. Coast Guard regarding applicants for or holders of licenses, certificates of registry, merchant mariner's documents, and for Coast Guard crew members; National Transportation Safety Board and Federal Motor Carrier Safety Administration in connection with crash investigations; air carriers regarding individuals seeking employment as pilots; and individuals seeking access to national security information or who are being investigated for Federal employment. The information collected is not published in any other form.

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.

COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

Statistical methods are not employed for this collection of information.