

BEFORE THE UNITED STATES
DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Re: Proposed Guidelines for Impaired)
Driving Records Information Systems)
Section 2007(c) Implementing Guidelines,) Docket No. NHTSA-2006-24872
Comments Request)

COMMENTS OF:

The Center for Regulatory Effectiveness

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Docket Management Facility
Docket No. NHTSA-2006-24872
U.S. Department of Transportation
400 Seventh Street, S.W.
Nassif Building, Room PL-401
Washington, D.C. 20590

SUBJECT: Requirement for Model Impaired Driving Records Information System Guidelines to Adhere to the Data Quality Act and OMB and DOT Information Quality Guidelines

The proposed Model Impaired Driving Records Information System (MIDRIS) Guidelines recognize that Data Quality is absolutely essential for achieving the project's goals. As the *Federal Register* notice explained,

The ideal system should contain timely, accurate, complete, consistent, integrated, accessible and secure information. ... Citation data that are not accurate or complete...can result in dismissed cases or reduced charges and can complicate linkage to other traffic records system components such as driver license files.¹

Thus, if NHTSA is to meet their statutory and programmatic objectives, the agency will need to closely adhere to rigorous Data Quality standards and procedures, particularly with regard to the collection, processing, and dissemination of statistical data.

As required by the Data Quality Act² and OMB's government-wide implementing guidelines, DOT has published their information quality guidelines.³ Appendix A to the DOT information quality guidelines provides procedures, standards, and guidance for statistical information that are of the highest caliber. In recognition of the DOT's leadership in information quality processes, the Center for Regulatory Effectiveness (CRE) has:

¹ 71 FR 336877.

² 44 USC 3516, notes.

³ <http://dms.dot.gov/submit/DataQualityGuidelines.pdf>.

1. Published the paper “DOT’s Pre-Dissemination Review Process: A Benchmark Data Quality Template”⁴; and
2. Recommended to OMB that the statistical portion of DOT’s information quality guidelines (Appendix A) be adopted by all agencies since they constitute a “best practice” that should be emulated government-wide.⁵

NHTSA has demonstrated further leadership in information quality by publishing a Notice of Proposed Rulemaking (NPRM) that included a certification of the agency’s compliance with the Data Quality Act as part of the “Rulemaking Analyses and Notices” section of the *Federal Register* notice.⁶

Specifically, NHTSA stated,

K. Data Quality Act

Section 515 of the Fiscal Year (FY) 2001 Treasury and General Government Appropriations Act (Pub. L. 106–554, sec. 515, codified at 44 U.S.C. 3516 historical and statutory note), commonly referred to as the Data Quality Act, directed OMB to establish government-wide standards in the form of guidelines designed to maximize the “quality,” “objectivity,” “utility,” and “integrity” of information that federal agencies disseminate to the public. ... On October 1, 2002, the Department of Transportation promulgated its own final information quality guidelines that take into account the unique programs and information products of DOT agencies (67 FR 61719). The DOT guidelines were reviewed and approved by OMB prior to promulgation.

NHTSA made information quality a primary focus well before passage of the Data Quality Act, and has made implementation of the new law a priority. NHTSA has reviewed its data collection, generation, and dissemination processes in order to ensure that agency information meets the standards articulated in the OMB and DOT guidelines, and plans to review and update these procedures on an ongoing basis.

*NHTSA believes that the information and data used to support this rulemaking adhere to the intent of the Data Quality Act and comply with both the OMB and DOT guidelines. **NHTSA has reviewed all relevant procedures for research and analysis in order to ensure that information disseminated by the agency is accurate, reliable, and unbiased in substance, and is presented in a clear, complete, and unbiased manner.** Having followed those procedures, NHTSA believes that the*

⁴ <http://www.thecre.com/pdf/benchmark.pdf>.

⁵ http://www.thecre.com/quality/20030527_omb.html.

⁶ 68 FR 46539.

*information related to this rulemaking meet the requirements of the Data Quality Act guidelines of both OMB and DOT. This expectation regarding information quality has been confirmed by the agency in the course of its predissemination review, per the guidelines.*⁷

Given that:

1. NHTSA has developed information quality guidelines that set a government-wide benchmark;
2. NHTSA has demonstrated leadership in implementing the Data Quality Act by publishing notification that the agency has adhered to DOT and OMB information guidelines as confirmed through the required predissemination review process; and
3. Adherence the DOT guidelines, and confirming that adherence through predissemination review, is essential if NHTSA is to meet their statutory requirements with respect to the MIDRIS Guidelines,

CRE is perplexed that NHTSA failed to include in the *Federal Register* notice concerning the proposed MIDRIS Guidelines a discussion of the Guidelines compliance with Departmental information quality standards and responsibilities.

Recommendations

1. Conduct a predissemination review of the proposed MIDRIS Guidelines to ensure they comply with the requirements of the DOT and OMB information quality guidelines.
2. Publish a discussion, including the conclusions reached, of the predissemination review process in the *Federal Register* notice containing the final MIDRIS Guidelines.
3. Publish a discussion of Data Quality compliance in all future NHTSA proposed and final agency actions.

About CRE

The Center for Regulatory Effectiveness (CRE) is a regulatory watchdog that supports improvements in the federal regulatory process through application of the “good government” laws including the Data Quality Act, Paperwork Reduction Act, and the Government Performance Results Act (GPRA).

⁷ <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-20054.htm>.

[Emphasis added.]

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CRE intervenes, as appropriate, in administrative processes to ensure agency compliance with the good government laws.

Additional information about CRE may be found on our website including:

- ▶ Senior OMB Regulatory Officials by Administration.
http://www.thecre.com/ombpapers/OMB_Officials.htm
- ▶ Leading press articles (*The Washington Post*, *The New York Times*, etc.).
www.thecre.com/quality/dq_definitive.html
- ▶ National Public Radio interview with Jim Tozzi, Member CRE Board of Advisors (NPR Website) <http://www.npr.org/templates/story/story.php?storyId=4599065>

Sincerely,

Jim Tozzi
Member, Board of Advisors

cc: Ms. Nygina T. Mills