

FRA - Testing decisions reference

Clear Direct Hires

Clear Direct Hires. Confirm the required negative drug result before a person first performs regulated service as your railroad's direct employee. This includes someone transferring from a non-regulated job. Each direct employing railroad needs its own qualifying pre-employment test. A railroad may use a negative Department of Transportation pre-employment test that it already conducted under another transportation agency's rules. That is not permission to accept any old negative result from an unrelated employer. Do not use a pending laboratory result as clearance. Medical review and a qualifying negative result must be in place before the regulated assignment.

Verify Contractor Results

Verify Contractor Results. For a contractor employee, verify that a negative Department of Transportation pre-employment drug test is on file with the person's direct employer. Keep documentation of that verification at the railroad. A contractor employee serving several railroads does not need another pre-employment test simply for each railroad client. This differs from a person directly employed by several railroads. For example, a maintenance contractor sends the same employee to a second client. Verify the contractor's qualifying result and the other program requirements; do not invent a new federal pre-employment test solely because the client changed.

Check Historical Exceptions

Check Historical Exceptions. Apply grandfather provisions only after checking the actual work and employment history. The specified covered employees serving a qualifying small railroad before June 12, 2017, and maintenance-of-way employees performing regulated service before that date may have a pre-employment exception. Defined mechanical employees performing regulated service before March 4, 2022, have a separate exception. An exempt employee needs a negative pre-employment test before regulated work for a new or additional employing railroad, contractor, or subcontractor after the applicable date. These are limited hiring-test exceptions. They do not create general exemptions from random or event-driven testing. Record the basis instead of assuming that long service is enough.

Separate Record Checks

Separate Record Checks. Complete the Part 40 previous-employer testing-history process for your direct regulated employees before their first regulated service, subject to that process's documented good-faith provisions. A contractor is responsible for checking its own direct employees. The railroad does not repeat that check merely because the person works for its contractor. Even historically exempt maintenance-of-way and mechanical employees need the required records check; after thirty days of first regulated service, the information or documented good-faith effort must be in place. Engineer and conductor certification has a separate review of federal drug and alcohol violations during the preceding sixty consecutive months. Coordinate both gates. A negative hiring test does not replace either review.

Elect Alcohol Consistently

Elect Alcohol Consistently. Pre-employment alcohol testing is optional under FRA rules. If the railroad chooses it, test after a contingent employment or transfer offer and before the first regulated service. Treat all employees performing regulated service consistently, including first-time transfers; do not select only applicants who look suspicious. Use Part 40 alcohol procedures. A result of 0.04 or greater prevents regulated service until the federal return-to-duty process is completed. Apply the separate restrictions taught earlier for lower nonnegative alcohol results. An applicant who declines before the alcohol test begins must not acquire a record of that declination. For a drug test, that protection requires withdrawal of the application before testing begins.

Approve Random Plan Changes

Approve Random Plan Changes. Use the FRA-approved random plan that covers your operation and its regulated personnel. Submit a start-up plan at least thirty days before operations begin. When a railroad loses the small-railroad exception, submit within thirty days after becoming subject to random testing. Do not implement the federal plan before approval; implement within thirty days after approval. Submit a substantive amendment at least thirty days before its intended effective date and wait for approval. Notify FRA of a non-substantive change, such as a service-provider change, before it takes effect; that change does not require preapproval. The plan must also explain how contractor and volunteer coverage is verified. A vendor's plan alone is not the railroad's approval.

Maintain Eligible Pools

Maintain Eligible Pools. Keep pool entries current at least monthly and add newly hired or transferred regulated employees as soon as possible. Every eligible person must have an equal chance at each draw. An entry may identify a person, job, or train, but comparable entry types and sizes must not let a manager choose who gets tested. Pools cannot contain placeholders or people outside federal transportation random-testing coverage. The minimum is four legitimate entries. A railroad or contractor with fewer than four regulated employees can join a qualifying larger pool. For each selection period, assess expected regulated service. Do not include someone expected to perform none. Employees averaging less than once a quarter need not be included; if tested randomly, use a separate pool.

Resolve Pool Overlap

Resolve Pool Overlap. Check actual duties before assigning a person who works under more than one transportation agency. The agency regulating more than half of that employee's federal transportation functions establishes the minimum random rate for the employee. Do not place the person in duplicate agency pools for the regulated service performed for your railroad. A combined pool containing employees governed by different agencies must test every entry at the highest applicable minimum rate. Contractor employees need not be duplicated in the railroad pool when a compliant contractor program has been verified and accepted. When that coverage cannot be verified, the railroad must ensure valid coverage rather than simply accepting a vendor's assurance. Escalate an unusual function split before assigning a rate.

Use Dated Random Rates

Use Dated Random Rates. For calendar year 2026, the FRA minimum random rates are twenty-five percent for drugs and ten percent for alcohol for covered-service employees. Maintenance-of-way employees have the same twenty-five and ten percent rates. Defined mechanical employees have fifty percent for drugs and ten percent for alcohol. These are annual minimum testing rates, not a promise that a particular person will be tested once or only once. Use the current agency rate determination and your approved pool structure when calculating required collections. Verify the next year's published rates before changing the calendar. A mechanical alcohol rate of twenty-five percent belongs to the older 2025 determination and is not the 2026 rate.

Preserve Unbiased Selections

Preserve Unbiased Selections. Select at least one entry from each pool every three months using the approved neutral method. Save the actual pool snapshot at the moment of selection; do not reconstruct it later. Retain that snapshot and the selection evidence for the required two years. A manager cannot discard a draw because it selected a valued employee or an inconvenient crew. A genuinely inaccurate pool can justify discarding a draw, but the explanation and records must be retained. Monitor workforce changes and completed collections throughout the year. If collections are missed, the railroad may increase later selections to reach the annual minimum. That correction does not erase the original missed-collection record.

Respect Random Testing Windows

Respect Random Testing Windows. Finish each selected collection inside the designated window in the approved plan. When the window closes, an uncollected selection expires; do not carry the same selection forward and call it current. Spread unannounced collections unpredictably across operating days, shifts, locations, and the year. At least ten percent of random alcohol tests must occur at shift beginnings and at least ten percent at shift endings. If drug and alcohol tests are scheduled separately for the same selection, both must finish by the end of the shift and the employee must not be warned of the later collection. Fully document an incomplete collection and its reason. Annual totals require completed tests, not just names drawn.

Control Employee Notification

Control Employee Notification. Have the employer notify the selected employee. FRA does not allow a service agent to perform that notification. Notify only during the duty tour when collection will occur and only as far ahead as reasonably needed to reach the collection. Tell the employee the test is random. If the employee is performing regulated service, arrange immediate safe relief and travel to collection without compromising safety. Once testing begins, do not return the employee to regulated service until the process is complete. Begin collection as soon as possible and within two hours after notification unless there is an acceptable reason for delay. Monitoring the employee and arranging an immediate supervisory or management escort whenever possible are recommended safeguards in the rule. Keep those safeguards distinct from the mandatory timing and notification requirements. A vendor may manage selection logistics, but it cannot take over the employer's notification role.

Document a Medical Emergency

Document a Medical Emergency. After random-test notification, the railroad may excuse a selected employee only when the employee substantiates a medical emergency involving the employee or an immediate family member that takes priority over completing the test. The medical emergency must be an acute condition requiring immediate emergency care. Obtain verifiable documentation from a credible outside professional within a reasonable time. A doctor, hospital, or another qualifying outside professional can provide that evidence. Ordinary inconvenience or a routine appointment does not establish this exception. Once the railroad excuses the employee under this rule, it may not test the employee under that same random selection.

Protect Hours of Service

Protect Hours of Service. Schedule random testing with enough time to finish within the covered employee's hours-of-service limit. Do not put a regulated employee on duty solely for a random test. If the collection reaches the limit unfinished, terminate it immediately and do not reschedule that collection. There is an important exception: when Part 40 requires direct observation during the random collection, the observed collection must proceed until finished. Report resulting excess service as required. Mandatory suspicion and post-accident toxicology have different hours-of-service provisions, and authorized reasonable cause has its own protection. Do not apply the random-test stopping rule to every kind of railroad test. Coordinate those cases with the railroad's hours-of-service specialist and document due diligence.

Recognize Mandatory Suspicion

Recognize Mandatory Suspicion. Act on specific, current observations of appearance, behavior, speech, or body odor that create reasonable suspicion of prohibited use. The rule requires a breath alcohol test for qualifying alcohol suspicion and a drug test for qualifying controlled-substance suspicion. Drug observations may include chronic effects or withdrawal. Write what was observed instead of diagnosing addiction or copying a vague label such as seemed strange. Possessing alcohol on duty is not, by itself, a requirement to use a federal suspicion alcohol test to confirm possession. Necessary medical treatment takes priority during a substantiated emergency. Once the employee is stable, perform required testing if the suspicion time limit still permits it.

Use Qualified Suspicion Observers

Use Qualified Suspicion Observers. For alcohol suspicion, one responsible railroad supervisor trained under FRA's supervisor requirements must make the observations. That supervisor cannot administer the suspicion alcohol test on the employee. For drug suspicion, two responsible railroad supervisors must make the required observations, and at least one must be both on site and trained. If the other supervisor is off site, the on-site supervisor supplies the necessary information. The rule permits telephone communication, but not radio or other electronic communication for that consultation. Arrange the second supervisor promptly. A DER's approval by itself does not replace the required observers. The trained supervisor must promptly document the specific signs and symptoms supporting the determination.

Track Suspicion Deadlines

Track Suspicion Deadlines. Record the time the reasonable-suspicion determination is made. If the drug or alcohol test is not administered within two hours of that determination, prepare and retain the reasons for delay. At eight hours, stop attempts and record why testing was not administered. For this rule, the eight-hour requirement is met when the employee has reached the collection site, the collector is present, and collection has been requested within the period. Keep those actual times. This eight-hour limit applies to both drug and alcohol suspicion testing. Do not borrow a thirty-two-hour drug window from another program or apply this limit to FRA post-accident toxicology.

Respect Release and Safety

Respect Release and Safety. Do not recall an employee normally released from duty for a reasonable-suspicion test under this subpart. Transport to medical care is not normal release from duty. An employee who failed to remain available as required cannot turn that absence into a protected release. Separately, the suspicion-testing rule itself does not authorize holding a person out of service solely while the toxicology result is pending. The railroad may act on the underlying conduct under its own policy and authority. Document the actual safety concern and the basis for the employment action. Keep that decision separate from assuming a laboratory result or declaring a violation before the proper result process is complete.

Elect Reasonable Cause Authority

Elect Reasonable Cause Authority. Federal reasonable cause is an elective program, unlike mandatory reasonable suspicion. If the railroad elects it, notify employees through the required educational policy and give written notice to FRA's Drug and Alcohol Program Manager. For reasonable cause testing that meets the federal criteria, use federal authority consistently. The triggering observation or event must occur during duty hours, including overtime or emergency service, and the basis must exist for each tested employee. Determine the authority before testing. The responsible supervisor must promptly document the basis, although the written documentation need not be finished before collection. The small-railroad exception discussed earlier can exclude this subpart; check applicability before relying on it.

Route Accident-Based Cause

Route Accident-Based Cause. Check post-accident toxicology first when an accident occurs. Reasonable-cause authority does not apply to an event meeting the mandatory Subpart C toxicology criteria. For an event outside those criteria, accident-based reasonable cause requires a reportable train accident or train incident and a responsible supervisor's reasonable belief, supported by specific facts, that the tested person's acts or omissions contributed to its occurrence or severity. Mere presence is not enough. Document the reportable casualty or railroad property damage and the individual contribution. A reportable event does not automatically authorize testing every crew member. The separate toxicology module teaches how to make the Subpart C decision.

Match Listed Operating Errors

Match Listed Operating Errors. For rule-based reasonable cause, match the employee's direct involvement to an expressly listed trigger. The operating list includes unauthorized track occupancy, failure to clear for another movement, unauthorized crossing movements, specified restrictive-signal violations, and failure to act that causes positive train control enforcement. It also includes failure to protect equipment, specified switch errors, failure to restore and secure a main-track switch, braking or derail-stop failures, insufficient hand brakes, incorrect crossover sequencing, missing shoving point protection, and an unsafe dispatcher directive or route. Speed qualifies when the excess is at least ten miles per hour or fifty percent of the maximum authorized speed, whichever is less. Check the exact listed elements; an unrelated rule violation is not federal cause.

Match Listed Protection Errors

Match Listed Protection Errors. The cause list also covers interference with signal or crossing systems without substitute protection, missed required stop-and-flag duties, and a machine-operator failure causing the specified maintenance-machine collision. It includes releasing working limits without notifying affected employees, failing to warn workers of approaching equipment, fouling track without ascertained on-track safety, and improper individual train detection in a manual interlocking or control point. The mechanical-related triggers include failure of three-point protection resulting in a reportable employee injury, required blue-signal failures, specified required brake-test failures or knowledge of them, prohibited safety-device tampering or operation with an unauthorized disabled controlling-locomotive device, and specified derailling-device positioning or locking failures. Identify the exact trigger and the individual's direct involvement before ordering the test.

Track Cause-Specific Clocks

Track Cause-Specific Clocks. Use the reasonable-cause clocks, not the suspicion determination clock. Document the reason if testing is not administered within two hours following the observations supporting the decision. The eight-hour period begins when a responsible railroad supervisor receives notice of the accident, incident, or rule violation. Stop drug and alcohol testing attempts at that limit and record the reason, unless the employee reached the site with the collector present and collection was requested within the period, satisfying the rule. Normally released employees cannot be recalled under this subpart. Medical transport does not equal release, and unauthorized absence does not prevent later testing as otherwise permitted. Keep the triggering notice, observations, and collection times separately.

Separate Company Testing Authority

Separate Company Testing Authority. When a supervisor requests a test for a rule violation outside the federal cause list, do not mark a federal form simply because the person works on a railroad. Determine whether another federal trigger applies. If none does, any company test needs its own lawful authority, policy, and non-federal process. Keep Department of Transportation specimens and paperwork separate from non-federal testing, and complete required federal testing first. Do not split a federal specimen to run company testing. For each federal test, communicate the federal authority and test reason as required. A policy can support a separate company action; it cannot expand the federal cause list, substitute for required toxicology, or revive an expired federal testing window.

Establish the Event

Establish the Event. Have the responding railroad representative make a reasonable inquiry into the facts promptly. That representative cannot be someone directly involved in the event. Headquarters may be consulted, but the responding representative must make the required factual determinations. Document the accident circumstances and the specific physical damage supporting estimates. Estimates from people away from the scene must rest on the on-scene descriptions; passenger railroad estimates may be used on the same basis. A good-faith factual decision follows the actual regulatory criteria. It does not permit inventing another testing trigger or ordering blood and urine just in case. If FRA specifically requests a report about another decisionmaker's decision, the affirmed report is due within seventy-two hours of that request.

Calculate the Damage

Calculate the Damage. Use the current railroad property damage definition and reporting threshold. For calendar year 2026, FRA guidance identifies a twelve-thousand-six-hundred-dollar reporting threshold. The train-accident categories require damage in excess of that threshold. Railroad property damage includes specified equipment, track, signals, structures and roadbed repair or replacement costs, including applicable labor. It excludes damaged lading and the cost of clearing a wreck, although additional qualifying property damage caused while clearing it counts. Use the railroad reporting specialist for estimates. Keep the dated threshold in the response materials and refresh it when FRA changes it; do not let last year's pocket card control today's decision.

Identify Major Train Accidents

Identify Major Train Accidents. A major train accident first requires a rail equipment accident with damage above the current reporting threshold. It then requires at least one additional condition: a death of any person; hazardous material lading released from railroad equipment with an evacuation or a reportable injury caused by that release; or at least one million five hundred thousand dollars in railroad property damage. An evacuation here means moving at least one person who is not a railroad employee to avoid exposure to the release. Closing a road alone does not establish that evacuation. The hazardous material condition links the injury to the release. A damaged container without the required release and consequence does not establish that branch.

Identify Impact Accidents

Identify Impact Accidents. Check both the type of impact and its consequences. Qualifying impact accidents include the defined collisions between on-track equipment, impacts with deliberately placed obstructions such as a bumping post but excluding a derail, and impacts with railroad equipment fouling the track. An event involving a derail may still qualify under another applicable event category, so check all criteria. Naturally occurring obstructions, such as fallen trees, do not meet this impact definition. The event must cause railroad property damage above the reporting threshold and either a reportable injury or at least one hundred fifty thousand dollars in railroad property damage. A rail equipment impact with thirty thousand dollars in qualifying damage and a reportable injury can satisfy this category. An impact with no reportable injury and only thirty thousand dollars in damage does not satisfy its consequence test.

Identify Fatal Train Incidents

Identify Fatal Train Incidents. Treat the death of an on-duty employee from operation of on-track equipment as a possible fatal train incident. The employee must die within twelve hours of the incident because of that incident. This category does not require damage above the train-accident reporting threshold. It also does not depend on whether the deceased employee performed regulated service. An on-duty railroad employee outside the routine testing pool can therefore trigger this requirement. Confirm the employee's duty status, the connection to on-track equipment and the time of death with the responding representative. Do not apply a routine pool roster as the test for whether the deceased employee's remains require testing.

Identify Passenger Train Accidents

Identify Passenger Train Accidents. Check for a passenger train, qualifying property damage and a reportable injury to any person. All three are needed for this category. Passenger trains include the defined intercity, commuter, short-haul and excursion or recreational services. A train carrying only employees, contractors or people monitoring railroad operations is not a passenger train solely for that reason. The damage must exceed the current reporting threshold. For the injury decision, use the railroad reporting determination and the Part 219 definition, which excludes specified covered-data cases. A minor injury does not become a qualifying reportable injury simply because someone writes an incident note. Record the supported injury classification instead of making a medical judgment yourself.

Identify Crossing Triggers

Identify Crossing Triggers. For a highway-rail grade crossing event, examine the five human-factor circumstances. They concern interference with a crossing signal system without protecting highway traffic; a train crewmember who was or should have been flagging because of an activation failure; a regulated employee who was or should have been an appropriately equipped flagger for the specified signal failures; a regulated employee killed while performing railroad duties; or a regulated employee's regulatory or operating-rule violation that may have contributed to the event's cause or severity. This category does not require damage above the train-accident reporting threshold. A crossing collision alone is insufficient. Match the facts to the specific circumstance before selecting the person to test.

Apply Event Exclusions

Apply Event Exclusions. Check the exclusions before ordering Subpart C specimens. A collision with a motor vehicle or other highway conveyance at a grade crossing does not authorize this testing unless the human-factor crossing provision applies. Testing is also prohibited when both cause and severity are wholly attributable to natural causes, vandalism or trespassers. The responding representative must support that conclusion with objective, documented facts. The word wholly matters. Do not exclude an event simply because a trespasser or storm was present when employee actions may also have contributed. Preserve the inquiry supporting the decision. A separate suspicion or company-authority decision must meet its own requirements and cannot be relabeled as FRA toxicology.

Select Major Accident Employees

Select Major Accident Employees. For a qualifying major train accident, arrange testing for all assigned crewmembers of all involved trains or other on-track equipment, regardless of fault. Do not excuse a crewmember because early evidence points to someone else. For other surviving regulated employees, such as a dispatcher or signal maintainer, the representative uses specific information immediately available to determine whether the employee may have played a role in the cause or severity. Those duties may have occurred away from the scene or before the event. Build the testing list from the event category and actual roles. A list containing only employees physically beside the damaged train can miss required people.

Apply Role-Based Selection

Apply Role-Based Selection. For impact accidents, passenger train accidents and fatal train incidents, assess directly involved regulated employees. Exclude a surviving crewmember or other regulated employee when immediately available specific information establishes that the person had no role in the cause or severity. Human-factor crossing testing is narrower: select the particular signal interferer, responsible flagging employee, responsible on-site flagging overseer where specified, or rule violator whose conduct may have contributed. The crossing fatality circumstance tests the remains of the fatally injured regulated employee. If the event also qualifies as a major train accident, its all-assigned-crew rule still applies. The no-role exception cannot exclude a qualifying deceased on-duty employee.

Preserve Duty Status

Preserve Duty Status. Keep a potentially subject regulated employee in duty status while the required event and selection determinations are made and, when required, until collection is complete. Coordinate this promptly with operations, including remote personnel. Transporting an employee for medical care does not count as release from duty under this rule. Necessary immediate actions to preserve life or property may continue; use other employees where practical. When a passenger train can safely continue to a station or destination, consider passenger safety and convenience and call a relief crew as soon as possible. Do not release people routinely and assume that an unrestricted recall power will fix the missed collection.

Limit Employee Recall

Limit Employee Recall. Recall is an exception, not a general second chance. Immediately recall and place on duty an employee who went off duty normally before being contacted and told to remain, when the preliminary investigation indicates a clear probability of a role in the event's cause or severity. This can apply whether the event occurred during that employee's tour or afterward. No recall is permitted more than twenty-four hours after the event. Collect both blood and urine. If the employee left railroad property, analyze the specimens for drugs only. Breath testing is prohibited unless the employee stayed on railroad property and the railroad completely prohibits alcohol there. Document contact attempts and report an inability to obtain the required specimens.

Use the Medical Route

Use the Medical Route. Arrange blood and urine collection at an independent medical facility. Blood must be drawn by a qualified medical professional or a qualified technician under that professional's supervision. A qualified contract collector may assist there if the facility permits it. For an injured employee, ask the treating facility to obtain the specimens. The medical professional decides whether drawing the specified blood quantity is consistent with the person's health. Do not interfere with necessary treatment. Urine may come from a catheter already placed for medical purposes, but no one may catheterize an employee solely to obtain a testing specimen. Document treatment and medication information for the FRA forms and medical review.

Resolve Medical Collection Barriers

Resolve Medical Collection Barriers. Give the medical facility the Subpart C requirements and the instructions from the FRA kit. If an injured employee is unconscious or otherwise cannot show consent and the facility still declines collection, immediately contact the National Response Center. Provide the employee's name, facility name and location, and the responsible facility decisionmaker's name and telephone number so FRA can assist. The regulatory number is eight hundred, four two four, eight eight zero two. Do not classify a medical inability or the facility's refusal as the employee's refusal without the proper basis. Escalation preserves the collection opportunity while the treating professional retains medical judgment.

Collect Fatality Specimens

Collect Fatality Specimens. Immediately notify the appropriate coroner or medical examiner of a qualifying employee fatality and the FRA collection requirement. Make the postmortem kit available and request assistance obtaining the body fluid and tissue specimens specified in its instructions. Seek the custodian's assistance too, if someone else holds the remains. The required category includes an on-duty employee who dies from the qualifying event within twelve hours, regardless of fault; it is not confined to surviving regulated employees' blood-and-urine route. If the authority or custodian declines, immediately notify the National Response Center with the event details, railroad, deceased person and contact information. A smaller railroad needing a postmortem kit should request FRA assistance through that center.

Use FRA Kits and Forms

Use FRA Kits and Forms. Supply the FRA post-accident toxicology kit and follow its collection, preservation and handling instructions. This is not an ordinary federal urine custody form collection. The railroad representative completes Form 6180.73 for the event and sends it with each group of specimens. Each employee cooperates with Form 6180.74; the medical facility completes its portion. Include that employee form with each surviving employee's specimens. Fatalities use the applicable Form 6180.75 in the postmortem kit. Use current kit forms and instructions rather than a saved outdated template. Confirm event, employee and treatment information before sealing; missing medical treatment details can complicate interpretation later.

Collect Promptly After Delay

Collect Promptly After Delay. Make every reasonable effort to collect as soon as possible, preferably within four hours of the event. Four hours is a delay-notification point, not permission to abandon collection. If a specimen has not been collected by then, immediately notify the FRA Drug and Alcohol Program Manager and give detailed information, in conversation or voicemail. The regulatory number is two zero two, four nine three, six three one three. Continue collection as soon afterward as practicable. The eight-hour stop used in certain routine railroad tests does not govern Subpart C toxicology. Keep the event time, collection efforts, medical circumstances and notification record together so the delay can be explained accurately.

Keep Supplemental Breath Secondary

Keep Supplemental Breath Secondary. When mandatory toxicology conditions exist, the railroad may also require a breath alcohol test using the applicable Part 40 and railroad procedures, subject to the recall restrictions already discussed. That optional test must not delay timely collection of the required blood and urine. A breath result does not replace the FRA specimens, even if it is negative. Keep the breath documentation available to FRA. FRA toxicological testing also takes priority over state or local law enforcement toxicological testing. Coordinate with medical and law enforcement personnel rather than allowing a routine breath appointment or another agency's collection plan to displace the federal toxicology requirements.

Secure and Ship Specimens

Secure and Ship Specimens. Ship to FRA's designated post-accident toxicology laboratory as soon as possible, using prepaid air express or another method adequate for delivery within twenty-four hours of shipment. Follow the current kit instructions for the destination and handling. When suspended air express service prevents that delivery, hold the specimens in a secure refrigerator until shipment can be accomplished; they must never be held longer than seventy-two hours. Request direct transfer from the facility to the courier when pickup is available. Otherwise arrange prompt secure transport to the most expeditious shipping point and document custody. After sealing, only the FRA laboratory may open the kit or box. Document discovered errors separately and send that record to the laboratory instead of breaking the seal.

Make Required Event Reports

Make Required Event Reports. When specimens have been obtained for a qualifying event, immediately provide the required telephone notification to both the National Response Center and FRA's Office of Safety. Supply the railroad, reporter's name, title and telephone number, event time, date and location, a brief description and testing basis, and the number tested. If a required specimen cannot be obtained and provided to FRA for any reason, immediately notify the FRA Drug and Alcohol Program Manager with details. Also prepare the concise written failure report, including responsive action where appropriate, append it to the required accident report and mail it to the program manager as directed. Collection-delay notice, event notification and a failure report are separate duties.

Route Results Through Review

Route Results Through Review. Expect FRA toxicology to address alcohol and substances beyond the ordinary Part 40 drug panel under FRA protocols. Controlled-substance results go to the railroad medical review officer and the employee. For a surviving employee, a positive alcohol or controlled-substance result requires medical review of medication claims that could explain it. Provide treatment information through the proper confidential channel. The medical review officer reports the review and its basis to FRA; FRA considers that determination but is not bound by it. Do not hold an employee out solely because results are pending, or stand the employee down on an unverified laboratory drug report. Separate action supported by underlying conduct must use the applicable authority and protections.

Preserve Response and Retest Rights

Preserve Response and Retest Rights. Give the employee the FRA-specific result rights. The employee may respond to FRA within forty-five days after receiving results, before the final investigative report is prepared, and identify information requested to be withheld from public disclosure. FRA decides that confidentiality request. A specimen retest may be requested within sixty days after receipt of the toxicology report by email to FRA's Drug and Alcohol Program. Include the railroad, accident date and location. FRA selects a qualified referee laboratory; this is not the ordinary seventy-two-hour Part 40 split request. FRA retains specimens at least three months from the event, or two years for a positive alcohol or controlled-substance specimen. Preserve the actual notice dates and instructions.

Apply the Incident Route

Apply the Incident Route. A qualifying major train accident has required blood and urine collection underway, but hospital care has delayed one employee's specimen beyond four hours. Keep medical care moving, notify the FRA program manager immediately and continue collection as soon as practicable. Do not stop at eight hours or replace the missing specimen with a negative breath test. All assigned crewmembers of the involved trains or on-track equipment remain subject to the major-accident rule, even when early facts clear one crewmember of fault. Complete the FRA kit records, secure shipment and the separate event notifications. If a required specimen cannot ultimately be provided, make the failure notification and written report. Each action belongs to this toxicology route.

Official references

49 CFR 219.501(a) · 49 CFR 219.501(c) · 49 CFR 219.503 · 49 CFR 219.501(b) · 49 CFR 219.501(e) · 49 CFR 219.25 · 49 CFR 219.501(f) · 49 CFR 40.25 · 49 CFR 219.502 · 49 CFR 219.501(d) · 49 CFR 219.101(a)(4) · 49 CFR 219.605 · 49 CFR 219.607 · 49 CFR 219.609 · 49 CFR 219.611 · 49 CFR 219.601(c) · 49 CFR 219.601(d) · 49 CFR 219.611(a) · 49 CFR 219.611(d) · 49 CFR 219.613(h) · [transportation.gov/odapc/random-testing-rates](https://www.transportation.gov/odapc/random-testing-rates) · 49 CFR 219.613(c) · 49 CFR 219.615(a) · 49 CFR 219.613 · 49 CFR 219.615(b) · 49 CFR 219.615(c) · 49 CFR 219.615(f) · 49 CFR 219.615(e) · 49 CFR 219.621(b) · 49 CFR 219.617 · 49 CFR 219.12 · 49 CFR 219.615(g) · 49 CFR 219.301 · 49 CFR 219.303(d) · 49 CFR 219.303 · 49 CFR 219.305(a) · 49 CFR 219.305(b) · 49 CFR 219.305(c) · 49 CFR 219.303(c) · 49 CFR 219.401 · 49 CFR 219.403 · 49 CFR 219.405 · 49 CFR 219.3(c) · 49 CFR 219.403(a) · 49 CFR 219.405(b) · 49 CFR 219.409(a) · 49 CFR 219.403(b)(1) · 49 CFR 219.403(b)(2) · 49 CFR 219.403(b)(3) · 49 CFR 219.403(b)(4) · 49 CFR 219.403(b)(5) · 49 CFR 219.403(b)(6) · 49 CFR 219.403(b)(7) · 49 CFR 219.403(b)(8) · 49 CFR 219.403(b)(9) · 49 CFR 219.403(b)(10) · 49 CFR 219.403(b)(11) · 49 CFR 219.403(b)(12) · 49 CFR 219.403(b)(13) · 49 CFR 219.403(b)(14) · 49 CFR 219.403(b)(15) · 49 CFR 219.403(b)(16) · 49 CFR 219.403(b)(17) · 49 CFR 219.403(b)(18) · 49 CFR 219.403(b)(19) · 49 CFR 219.403(b)(20) · 49 CFR 219.403(b)(21) · 49 CFR 219.403(b)(22) · 49 CFR 219.407 · 49 CFR 219.11(c) · 49 CFR 219.409 · 49 CFR 40.13 · 49 CFR 219.201(c) · 49 CFR 219.5 · 49 CFR 219.201 · railroads.dot.gov/sites/fra.dot.gov/files/2026-01/Post-Accident%20Testing%20Guidance%20Definitions_Revised%2001-01-2026.pdf · 49 CFR 219.201(a)(1) · 49 CFR 219.201(a)(2) · 49 CFR 219.201(a)(3) · 49 CFR 219.203(a)(2) · 49 CFR 219.201(a)(4) · 49 CFR 219.201(a)(5) · 49 CFR 219.201(b) · 49 CFR 219.203(a)(1) · 49 CFR 219.203(a)(3) · 49 CFR 219.203(a)(5) · 49 CFR 219.203(a)(6) · 49 CFR 219.203(d) · 49 CFR 219.203(e)(1) · 49 CFR 219.203(e) · 49 CFR 219.203(f) · 49 CFR 219.203(h) · 49 CFR 219.205(b) · 49 CFR 219.203(g) · 49 CFR 219.205(c) · 49 CFR 219.207 · 49 CFR 219.205(a) · 49 CFR 219.203(d)(1) · 49 CFR 219.203(b)(3) · 49 CFR 219.203(c) · 49 CFR 219.206 · 49 CFR 219.205(d) · 49 CFR 219.205(e) · 49 CFR 219.209 · 49 CFR 219.211(a) · 49 CFR 219.211(b) · 49 CFR 219.211(c) · 49 CFR 219.211(g) · 49 CFR 219.211(e) · 49 CFR 219.211(h) · 49 CFR 219.211(i) · 49 CFR 219.205

FRA - Records reference

Retain Negative Records

Retain Negative Records. Keep negative and cancelled drug test records, and alcohol results below zero point zero two, for at least two years in the railroad program. The Federal Railroad Administration extends the ordinary Part 40 one-year period for these records. Legible, accessible scans or electronic copies may be used for their second year. This rule concerns those individual records; it does not cancel the separate five-year duty for a summary record or individual files of each regulated employee's test results. Configure the retention schedule by record category so deleting a form does not also erase the required result history.

Preserve Longer Records

Preserve Longer Records. Apply the longer applicable requirement when the same document falls into more than one category. Part 40 requires five years for verified positive drug results, alcohol results at or above zero point zero two, refusals, substance abuse professional reports, and follow-up tests and schedules. It requires three years for the specified drug and alcohol history obtained from previous employers. The railroad rule adds a five-year minimum for each regulated employee's result summary or individual result files and for required annual program reports. Its two-year categories do not authorize early destruction of a record that Part 40 requires for longer.

Keep Decision Evidence

Keep Decision Evidence. Preserve the records that explain why testing was ordered. The railroad two-year categories include collection logbooks if used, random selection documents and approved plans, reasonable suspicion and reasonable cause decisions, post-accident testing decisions, and medical explanations for inadequate specimens. They also include specified testing forms, result disputes, other violations, and employee and supervisor training documentation. Refusal records appear in this list but also carry the longer Part 40 requirement when applicable. As a recommended control, index the authority, decisionmaker, date, employee, and supporting facts without altering the original document.

Preserve Random Snapshots

Preserve Random Snapshots. Capture each random testing pool when the selection is made. The railroad must retain that snapshot for two years and may not recreate the pool later from other records. Preserve evidence that the selection was random for at least two years after its designated testing window expires. Keep documented reasons for discarded draws as well. Contractors and service agents performing random testing responsibilities must provide required records when the railroad or the Federal Railroad Administration requests them. The railroad still needs records demonstrating compliance. A vendor's assurance that its software is random does not replace that evidence.

Control Record Access

Control Record Access. Store program records securely with controlled access. Do not release an individual's testing information simply because a manager, customer, or another department asks for it. Part 40 generally requires specific written employee consent unless an authorized exception applies. Blanket releases do not satisfy that specific-consent rule. The railroad must also provide facilities access and requested program information to authorized transportation officials under the railroad access rule. Verify the requester and legal basis, then provide the required information through an appropriate channel. Logging that decision is a recommended control, not a new regulatory form.

Retrieve Vendor Records

Retrieve Vendor Records. Test whether the railroad can actually retrieve records held by a service agent. Part 40 permits a service agent to maintain records, but the employer must be able to produce them at its principal place of business within the time required by its transportation agency. Electronic records must be accessible, legible, organized, and capable of rapid auditable printing when required. Do not import a trucking agency's example deadline as the railroad deadline. A recommended retrieval exercise asks the vendor for a complete selected case, including source forms and decision records, and checks access before a contract ends.

Official references

49 CFR 219.901(a) · 49 CFR 219.901(b) · 49 CFR 219.901 · 49 CFR 40.333(a) · 49 CFR 219.901(c) · 49 CFR 219.613(b) · 49 CFR 219.613(e) · 49 CFR 219.613(g) · 49 CFR 219.623 · 49 CFR 219.903 · 49 CFR 40.321 · 49 CFR 40.333(c) · 49 CFR 40.333(d) · 49 CFR 40.333(e) · 49 CFR 219.623(b)

FRA - Violation and return reference

Remove From Regulated Service

Remove From Regulated Service. Stop regulated work immediately when the railroad determines that an employee violated the federal railroad alcohol or drug prohibitions, or another transportation agency's alcohol or controlled substances misuse rule. Required-test refusal also requires immediate removal, including federal reasonable cause testing when the railroad has elected that authority. Do not allow the employee to finish a shift while paperwork is prepared. Confirm the determination through the applicable testing and medical review process; an unreviewed laboratory finding is not a substitute for the required result. Arrange the work restriction through the person controlling assignments.

Give Required Notice

Give Required Notice. Provide written notice of the reason for removal before or when the employee is removed. An initial verbal notice is permitted if written notice follows as soon as possible. The written notice must also explain that the employee cannot perform any Department of Transportation safety-sensitive duties until completing the federal return-to-duty process. Do not describe this as a restriction limited to the employee's current railroad or current job. A recommended control is to record when the restriction was communicated and who received the scheduling instruction, while keeping confidential details with authorized personnel.

Preserve Hearing Rights

Preserve Hearing Rights. Route a challenge to the railroad's hearing process without delaying removal. When an employee denies that a result or other information validly establishes the specified alcohol or drug violation, the employee may demand a prompt post-suspension hearing before someone other than the charging official. Refusal withdrawal carries the applicable hearing protections too. Use the collective bargaining agreement's timing. If it supplies no period, the employee may demand that the hearing be convened within ten calendar days of suspension. If injury, illness, or other sufficient cause prevents the employee from being available, the employee may demand that it be convened within ten days after becoming available. Preserve separate federal compliance findings if the hearing is combined with discipline.

Apply the Refusal Withdrawal

Apply the Refusal Withdrawal. For a regulated employee's required specimen refusal, apply the nine-month withdrawal from regulated service. Adulterated or substituted specimens determined to be refusals carry this consequence. The restriction follows the employee to any railroad that has notice of the withdrawal; changing railroads does not erase it. The railroad may impose additional sanctions for the same or related conduct. Expiration of nine months is not an automatic clearance. Return still requires the federal Substance Abuse Professional, return-to-duty, and follow-up conditions, along with any other applicable railroad eligibility conditions.

Distinguish the Applicant Route

Distinguish the Applicant Route. Check whether the person is a regulated employee or an applicant before applying employee consequences. An applicant with a positive or refused federal pre-employment test cannot perform regulated railroad service or other transportation safety-sensitive work until completing the federal return-to-duty process. Do not automatically label every applicant refusal a nine-month employee withdrawal. An applicant who withdraws before the test begins is treated under the specific pre-employment rules, not presumed to have refused. The employee hearing provision does not apply to an applicant's positive or refused pre-employment test, and the rule creates no right to have another application considered.

Use the Violation Return Process

Use the Violation Return Process. For the violation route, follow the federal Substance Abuse Professional process taught in the shared core. Obtain the professional's determination of successful compliance with the prescribed education or treatment before the return-to-duty test. Before safety-sensitive work resumes, the required drug result must be negative and any required alcohol result must be below zero point zero two. The employer decides whether to return the employee, subject to collective bargaining agreements and other legal requirements. This discretion does not override a railroad withdrawal period or certification restriction. It also does not describe the separate nonviolation assistance route.

Handle the Expanded Panel Exception

Handle the Expanded Panel Exception. Check the substance identified in a post-accident toxicology violation before ordering return and follow-up tests. When that positive finding concerns a drug outside the federal Part forty drug definition, the railroad has a specific alternative. It may use Part forty testing, or testing under its own authority with procedures otherwise identical to Part forty and an expanded panel that includes the drug involved in the violation. This exception does not create permission to expand every federal test panel. Coordinate the documented choice with the qualified testing professionals so the authority, panel, and required return process remain aligned.

Check Rail Certification Separately

Check Rail Certification Separately. Keep engineer and conductor certification decisions separate from the Substance Abuse Professional process. Railroad certification rules address substance abuse disorders, prior conduct, eligibility, and return conditions that a satisfactory return-to-duty test does not resolve by itself. Obtain the certification specialist's determination before assigning duties that require the credential. Do not invent a single certification waiting period for every case or assume that the nine-month refusal rule answers every certification question. A recommended release record identifies both the drug and alcohol program clearance and the separate certification authorization, where the assignment requires one.

Maintain Assistance Access

Maintain Assistance Access. Where Subpart K applies, the railroad must publish and implement self-referral and co-worker referral programs. The first creates a route to seek help before a detected violation. The second encourages co-workers to intervene. A non-peer referral program is optional. Confirm coverage before treating the requirement as universal, because the small-railroad exception discussed earlier includes this subpart. The program must identify the designated drug and alcohol counselor contacts and explain its conditions. Give employees a usable route to those contacts rather than requiring them to navigate the federal violation process to ask for assistance.

Screen Referral Eligibility

Screen Referral Eligibility. Apply the railroad's published conditions to a referral. A co-worker referral must allege that the employee was apparently unsafe to work with or violated the relevant drug or alcohol rules. The employee must waive investigation of the rule charge and contact the designated counselor within a reasonable period. For an optional non-peer referral, a railroad representative must confirm the unsafe condition or violation before removal under that program. These are defined program routes, not a general authority to declare that every concern is a protected referral. Consult the designated program administrator when the facts do not fit.

Keep Mandatory Actions in Place

Keep Mandatory Actions in Place. Do not use a request for help to cancel mandatory testing or a substantiated violation response. Referral protections need not apply when a referral anticipates or avoids imminent and probable detection by a supervisor. They cannot interfere with required reasonable suspicion testing when an on-duty employee displays the relevant signs and symptoms. They also cannot replace the federal response to an established alcohol or drug violation. The railroad retains authority over specific rule violations and criminal conduct except where the referral rules provide protection. Record which facts support the referral route and which require separate action.

Arrange the Counselor Evaluation

Arrange the Counselor Evaluation. Send a qualifying referral to a drug and alcohol counselor acceptable to the railroad who meets applicable state standards and the referral rule. This counselor determines the necessary education, counseling, or treatment. Once the employee contacts the designated counselor, the evaluation must be completed within ten working days. If more than one evaluation is needed, complete those evaluations within twenty working days. Track the contact date and the correct working-day deadline. If the employee does not contact the counselor within the railroad's specified time, the railroad may investigate cooperation and compliance with the program.

Support the Required Treatment

Support the Required Treatment. Grant the minimum leave the counselor recommends for primary education, counseling, or treatment and establishment of control over the problem. A counselor finding of an active drug abuse disorder prevents regulated service until the counselor reports that safety is no longer affected. A participating employee may maintain the employment relationship through successful completion of the specified program. Refusal to seek assistance or cooperate with the counselor's program remains subject to normal employment action. The referral rule does not require compensation for the period of restricted service; distinguish required leave and program protection from a promise of paid leave.

Protect Referral Confidentiality

Protect Referral Confidentiality. Limit referral identities and subsequent handling to personnel administering the railroad's referral programs, subject to the rule's exceptions. Do not circulate counseling details as routine scheduling information. For engineer or conductor certification and candidates, the program must explain the confidentiality waiver when an employee refuses recommended counseling or treatment, allowing the official notice needed for certification action. Optional program terms may also permit a waiver for noncooperation or a subsequent drug- or alcohol-related disciplinary offense after investigation. Check that those terms were adopted with the required labor approval rather than creating a new exception during an individual case.

Return a Fit Referral Participant

Return a Fit Referral Participant. For a qualifying nonviolation referral, apply the affirmative return duty instead of importing the employer-discretion rule from the violation pathway. The counselor must recommend return based on control of the problem, low risk of renewed abuse, and compliance with recommended return requirements. The railroad must return the employee within five working days of the counselor's fitness notification unless a disqualifying medical condition exists. A return medical evaluation may be required. Apply valid optional program conditions and any separate certification requirements; do not use this referral rule to bypass the response to a substantiated violation.

Bound Referral Follow-Up

Bound Referral Follow-Up. Use the counselor's referral plan to set the number and frequency of follow-up tests, and have the railroad choose the dates. For a referral without a substantiated Part two nineteen violation, follow-up treatment, care, or testing cannot extend beyond twenty-four months after the employee's initial removal from regulated service. Do not replace this limit with the shared Substance Abuse Professional six-test minimum or sixty-month framework. The twenty-four-month limit has a specific exception when entry into the program involved a substantiated violation. Identify that distinction before building the schedule or deciding when the plan ends.

Preserve the Counselor's Plan

Preserve the Counselor's Plan. Implement the counselor's evaluation and recommendations without rewriting them to fit staffing needs or a vendor's standard package. Only the counselor who performed the initial evaluation may modify that evaluation or the follow-up recommendations, based on new or additional information. An employer, managed care provider, or service agent cannot make those changes. If the railroad cannot carry out a recommendation as written, seek resolution through the counselor and the responsible program officials. Record the authorized revision before applying it. Administrative convenience is not permission to shorten care or extend restrictions beyond the governing rule.

Apply Approved Program Options

Apply Approved Program Options. Read the actual referral program before promising unconditional protection. With approval of affected labor organizations, permitted options include requiring a return medical examination, limiting repeat assistance, and requiring self-referral during off-duty hours or while unimpaired and compliant with the rules. A railroad may instead adopt an alternate program meeting federal objectives, but it needs written concurrence from employee representatives and Federal Railroad Administration approval. Amendments or revocation of an approved alternate policy require advance notice to the agency at least thirty days before effect. These choices belong in a properly adopted program, not an improvised individual agreement.

Release the Correct Assignment

Release the Correct Assignment. Consider two employees who both present a counselor's letter. One has completed treatment after a required-test refusal six months ago. The nine-month railroad withdrawal still prevents regulated service, even if other return steps are complete. The other entered a qualifying referral without a substantiated violation and now meets the counselor's return conditions, with no disqualifying medical condition or other applicable barrier. Track that employee's five-working-day return duty. A recommended final control records the route, outstanding restrictions, authorized decision, and permitted assignment. Similar paperwork can support very different legal outcomes.

Official references

49 CFR 219.104 · 49 CFR 219.211 · 49 CFR 219.107 · 49 CFR 219.505 · 49 CFR 40.305 · 49 CFR 240.119 · 49 CFR 242.115 · 49 CFR 219.1001 · 49 CFR 219.1003 · 49 CFR 219.3 · 49 CFR 219.1005 · 49 CFR 219.1007