

FTA - First-duty history check

Source checked October 7, 2026.

Before assigning covered work

- Confirm the person and assignment are covered by this agency's program. A negative test does not settle program coverage or prior-history eligibility.
- Obtain specific written consent for the required prior-employer inquiry. If consent is refused, do not permit safety-sensitive work.
- Ask DOT-regulated employers who employed the person during the two years before application or transfer for alcohol results of 0.04 or higher, verified positive drug results, refusals, other DOT testing violations, and successful return-to-duty/follow-up documentation. Send the written consent to each employer.
- Include relevant history passed along by earlier employers. If a previous employer lacks return-to-duty documentation, seek it from the employee.
- Separately ask about positive or refused DOT pre-employment drug/alcohol tests during the past two years for transportation jobs applied for but not obtained.

Timing and eligibility gates

Situation	Required action
Feasible before first covered duty	Obtain and review the information before duty.
Not feasible before duty	Obtain and review as soon as possible.
More than 30 days after first covered duty	Do not continue covered work unless information is obtained or good-faith efforts to obtain it are made and documented.
Known prior violation or admission of a covered failed/refused pre-employment test	Do not permit covered duty without documentation of successful applicable return-to-duty compliance. The 30-day provision and a fresh negative do not erase this gate.
Ongoing follow-up plan	Obtain the plan and completed-test history; implement the remaining requirements.

When another employer requests your records

Review the employee's specific written consent. Immediately release the required information confidentially. Keep a written log of the release date, recipient and information supplied.

Retain the confidential information or documented good-faith efforts for three years from first covered duty with your employer.

Do not substitute an FMCSA Clearinghouse query for this FTA inquiry.

49 CFR 40.25 · 49 CFR 40.307

FTA - Dated collection-readiness card

Checked October 7, 2026. Recheck before changing specimen method or provider arrangements.

Regulatory permission is not operational readiness

The DOT oral-fluid laboratory page inspected on this date still displays no HHS-certified oral-fluid laboratories. The page's displayed update date is December 5, 2024. Its current published gate requires at least two HHS-certified oral-fluid laboratories before DOT oral-fluid testing can begin. Do not treat an oral-fluid device advertisement or the existence of a regulation as proof that your testing network is ready.

Before enabling oral-fluid testing, verify the current DOT/HHS laboratory listing, a primary and a different split-specimen laboratory, the laboratory's approved collection device, and qualified collection personnel. Use the current Part 40 procedures for the actual situation. Arrange a compliant available method; do not improvise a non-DOT test as a substitute.

Confirm the people and order

- Confirm the correct agency, test reason, specimen method, employee identifiers, collection instructions and current MRO contact information.
- Verify the collector or alcohol technician's required qualifications and any supervisor conflict restrictions.
- FTA prohibits a direct or immediate supervisor from serving as that employee's urine/oral-fluid collector, BAT or saliva-testing technician. A staffing shortage is not an exception.
- Keep a usable after-hours route, required observation arrangements, and a backup collection option as recommended operational controls.
- Check applicable agency and Part 40 laboratory requirements.

[DOT oral-fluid laboratories and devices](#) · [DOT laboratories](#) · [DOT collector rules](#)

[49 CFR 655.53 - FTA supervisor restrictions](#)

FTA - Testing decisions reference

Sources checked October 7, 2026.

Gate First Covered Work

Obtain a verified negative pre-employment drug result before an applicant or employee first performs a safety-sensitive function, including a transfer from nonsafety-sensitive work. A canceled test requires another pre-employment test with a verified negative result. If a person previously failed or refused a pre-employment drug test under the transit rule, obtain proof of successfully completing the required referral, evaluation, and treatment plan; a fresh negative alone does not erase that history. Also require a verified negative pre-employment test after ninety consecutive calendar days without safety-sensitive work when the employee was also outside the employer's random pool during that time. Both conditions matter.

Apply Optional Alcohol Conditions

Pre-employment alcohol testing is optional under the transit rule. If the employer chooses it, test every covered employee before first performing safety-sensitive functions, including employees transferring into that work. Treat all covered employees the same; do not select only applicants who look suspicious. Conduct the test after a contingent offer of employment or transfer, and use the federal alcohol testing procedures. The result must be below zero point zero two before covered duties begin. This conditional-offer requirement belongs specifically to the optional pre-employment alcohol provision here; do not describe the drug and alcohol provisions as identical.

Base Suspicion on Observations

Require drug or alcohol testing when the employer has reasonable suspicion of prohibited drug use or alcohol misuse. The basis must be specific, current, explainable observations about appearance, behavior, speech, or body odors. A supervisor or other company official trained to detect the relevant signs and symptoms must make those observations. A rumor alone does not supply that trained observation. For alcohol, the observations must occur during, just before, or just after the workday period when compliance is required. Direct the alcohol test only while the employee performs safety-sensitive functions, just before those functions, or just after they end. Do not extend that alcohol window to an unrelated off-duty encounter.

Start the Suspicion Clock

Measure the reasonable suspicion alcohol clock from the determination, not from when the clinic eventually answers. If the required alcohol test is not administered within two hours, prepare and keep a record explaining why it was not promptly administered. If it has not been administered within eight hours, stop attempts and state the reasons in that record. These are limits, not permission to wait. The transit reasonable suspicion section does not impose the post-accident thirty-two-hour drug deadline on suspicion testing. As a recommended control, log the determination time, collection arrangements, and barriers as they occur.

Check the Accident Threshold

First decide whether the occurrence meets the transit accident definition. A death qualifies. So does bodily injury followed immediately by medical treatment away from the scene. For a bus, electric bus, van, or automobile occurrence, the damage route requires disabling damage to one or more vehicles and transportation of the damaged vehicle away by a tow truck or other vehicle; the damaged vehicle can be non-transit. For a rail car, trolley car, trolley bus, or vessel occurrence, the public transportation vehicle being removed from operation is a separate route. Apply these definitions to the facts before deciding which employees require testing. A police citation is not an added transit prerequisite.

Distinguish Disabling Damage

A tow does not automatically establish disabling damage. The definition concerns damage preventing normal departure in daylight after simple repairs, including damage that would become worse if the vehicle were driven. It excludes damage temporarily repairable at the scene without special tools or parts, a disabled tire without other damage even when no spare is available, headlamp or taillight damage, and damage to turn signals, horn, or windshield wipers that makes the vehicle inoperable. Apply the other accident thresholds independently. For example, an isolated flat tire does not meet this damage route, but an injury with immediate off-scene medical treatment may still qualify.

Identify Each Person to Test

After a fatal accident, test each surviving covered operator for drugs and alcohol; do not excuse the operator merely because fault seems unlikely. The rule has a narrow exception when that operator is tested under the federal motor-carrier fatal-accident requirements. After a qualifying nonfatal accident, test the covered operator unless the employer can completely discount that operator's performance as a contributing factor, using the best information then available. In either case, also test other covered employees whose performance could have contributed, such as a covered maintenance employee. Document a decision not to test in detail, including the reasoning. The nonfatal operator exception does not become a general fatal-accident exception.

Run the Accident Clocks

Arrange required post-accident tests as soon as practicable. Count from the accident itself. Federal Transit Administration guidance directs employers to document why an alcohol test was not completed within two hours and stop alcohol attempts after eight hours, documenting why. The regulation states those alcohol limits in its nonfatal-accident provisions. Required drug testing must occur within thirty-two hours; stop post-accident drug attempts after that window. Do not wait for a final police investigation or assume the drug deadline extends alcohol testing. As a recommended control, record the accident time and maintain separate alcohol and drug deadlines while arranging available testing services.

Protect Care and Availability

Do not delay necessary medical care to obtain a test. The rule allows leaving the scene to obtain necessary emergency medical care or assistance in responding to the accident. An employee subject to post-accident testing must remain readily available, including notifying the employer or its representative of location when leaving before testing; failure may be treated as refusal. Assess the circumstances rather than calling every departure a refusal. Prohibit alcohol use by an employee required to take a post-accident alcohol test for eight hours after the accident or until that test occurs, whichever comes first. Giving location instructions during the response is a recommended control.

Evaluate Official Test Results

A police or other government test is not an automatic replacement for the employer's test. The transit rule permits specified blood, urine, or breath results from federal, state, or local officials only when they had independent testing authority, their test complied with the applicable requirements, and the employer obtains the results. Those results may be used only when the employer is unable to perform its post-accident test within the required period. Continue arranging the employer's timely test rather than assuming an officer will handle it. A report saying a hospital drew blood does not, by itself, establish this exception.

Use the Current Random Rate

Use the rate for the applicable calendar year. For twenty twenty-six, the Federal Transit Administration minimum annual random rates are fifty percent for drugs and ten percent for alcohol. These are program testing rates, not a promise that exactly half the workforce will each receive one drug test. Rates are reviewed annually, so verify the official notice before planning the next year. Select enough employees to meet the applicable minimums. A consortium may calculate the number for an individual employer or its covered group subject to the same transit minimum rate. Keep the year visible on the rate card.

Keep Selection Truly Random

Use a scientifically valid selection method that gives each covered employee an equal chance each time. Random tests must be unannounced, unpredictable, spread reasonably through the calendar year, and conducted at all times of day when safety-sensitive work occurs. A predictable morning-only schedule misses the requirement when covered work also occurs at night. When one employee works under multiple transportation-agency rules for the same employer, the rate follows the agency regulating more than half that employee's function. Employers with multiple agency programs may maintain separate pools at the same required rate or use the highest applicable agency rate. Verify pool design before accepting a vendor's default.

Notify Within the Correct Window

Once notified of random selection, the employee must proceed to the testing site immediately. If performing a safety-sensitive function, the employee must stop that function and proceed immediately. Arrange operational relief without allowing the route or shift to continue after notification. Random drug testing may occur anytime while the covered employee is on duty. Random alcohol testing is limited to performing safety-sensitive functions, just before, or just after. Those are different windows. As a recommended control, the person making the notification should confirm the employee's current duty status and testing arrangements first, then record the notification and departure times.

Apply On-Call Alcohol Rules

Prohibit alcohol use during safety-sensitive functions and within four hours before them. With actual knowledge of such use, do not permit covered duties. Also prohibit drinking during specified on-call hours. The procedure must let an employee acknowledge drinking and inability to perform when called. If the employee acknowledges drinking but claims ability to perform, require an alcohol test. Do not treat that claim as clearance. A concentration at or above zero point zero four prohibits covered work; a result from zero point zero two to below zero point zero four has separate restrictions. The next module explains the required response and conditions for resuming work.

Official references

49 CFR 655.41 · 49 CFR 655.42 · 49 CFR 655.43 · Regulatory source 4 · 49 CFR 655.44 · Regulatory source 6 · 49 CFR 655.34 · 49 CFR 655.45 · Regulatory source 9 · 49 CFR 655.31 · 49 CFR 655.32 · 49 CFR 655.33 · 49 CFR 655.35

FTA - Record retention card

Sources checked October 7, 2026.

Retain the Five-Year Records

Classify records before setting a deletion date. Keep verified positive drug results, alcohol results of 0.02 or greater, refusals, substance abuse professional referrals and reports, and all follow-up tests and follow-up schedules for at least five years. Submitted annual transit testing reports also belong in the five-year group. Do not place a negative follow-up result into the ordinary one-year negative-test folder; its follow-up status controls. Likewise, an alcohol result below 0.04 is not automatically a one-year record. Transit retention periods run from creation of the record. As a recommended control, apply both the transit and shared procedural requirements to each category, and record the applicable period in a retention schedule.

Separate the Other Retention Periods

Prior-employer drug and alcohol information obtained through the shared history-check rule must be kept for three years from the employee's first safety-sensitive duty for you. Transit collection-process and employee-training records have a two-year minimum. Relevant breath-testing-device inspection, maintenance, and calibration records also have a two-year minimum under the shared rule. Ordinary negative and cancelled drug results, and alcohol results below 0.02, have a one-year minimum unless another category requires longer retention. Keep training materials, attendance names, dates and times, supervisor-training documentation, and the required certification of compliant training. As a recommended control, preserve records needed to demonstrate current qualifications rather than treating the minimum as an automatic instruction to destroy them.

Official references

Regulatory source 1 · 49 CFR 40.333 · 49 CFR 40.25

FTA - Violation and return reference

Sources checked October 7, 2026.

Stop Every Covered Assignment

Act immediately on notice of a verified positive drug result, a confirmed alcohol result of 0.04 or greater, or a refusal of a required test. Stop safety-sensitive work. Do not let an operator finish the route merely because relief is inconvenient. Removal also reaches covered dispatch, maintenance, and other safety-sensitive assignments; moving the employee off the bus is not enough. For a verified positive drug result, do not wait for the written report or split-specimen result. As a recommended control, have operations arrange a safe handover and confirm that all affected supervisors received the restriction. The testing rule requires removal from covered work; it does not itself decide whether employment will end.

Recognize the Lower Alcohol Range

A confirmed alcohol result of 0.02 or greater but below 0.04 triggers a transit-specific temporary restriction. The employee cannot perform safety-sensitive work until the concentration measures below 0.02, or until the next regularly scheduled duty period begins, provided at least eight hours have passed since the test. Both conditions apply to the next-duty-period route. Eight elapsed hours alone do not authorize return halfway through the same shift. A result in this range, by itself, does not trigger the federal substance abuse professional return-to-duty process. Additional lawful employer action can rest on independent authority, but must not be misrepresented as the federal consequence of this result.

Use the Correct Retest Gate

An operator's confirmation result is 0.03 at nine in the morning. The dispatcher wants the operator back at noon. Because this would be within eight hours, the employer must retest, and the confirmation result must be below 0.02 before any covered duty resumes. Coffee, rest, or a supervisor's judgment cannot replace that result. If no qualifying retest establishes a concentration below 0.02, use the other permitted route: the next regularly scheduled duty period, at least eight hours after the original test. As a recommended control, record the original test time, the proposed return time, and the evidence supporting the chosen route. Do not enter a return-to-duty test reason merely to document this lower-range retest.

Decide Refusals From the Facts

When a collector reports that an employee left before completing a random test, obtain the facts and apply the refusal rule. The collector documents conduct; the employer makes the nondelegable conduct-based refusal decision. A testing vendor may advise but cannot make that decision for an ordinary employee. Distinguish this from the medical review officer's authority over verified adulterated or substituted specimens. An insufficient specimen alone is not automatically a refusal; the required medical process matters. For transit post-accident testing, failure to remain readily available can be a refusal, but necessary emergency care and obtaining assistance are protected. Once a refusal is established, prevent covered work and follow the federal return process.

Provide a Usable Referral List

After a covered violation, give the employee the required resource information. The transit rule calls for names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. The shared rule also requires a list of acceptable substance abuse professionals readily available to the employee, without charging for the list. This duty still matters when the employer terminates the employee or does not hire an applicant. A general instruction to search online is not the required list. As a recommended control, check that contact details remain usable and record delivery. Providing resources is different from promising reinstatement or deciding who pays for evaluation and treatment; those are separate questions.

Verify the Return Sequence

A transit employee brings a private negative test and asks to resume dispatch. That result does not erase the violation. Before returning, the employee must complete the required substance abuse professional evaluation and recommended education or treatment, with successful compliance determined by that professional. Only then may the employer arrange the required return-to-duty test. The required drug result must be negative, and any required alcohol result must be below 0.02. Drug return-to-duty collections must be directly observed. Check the professional's report and the actual testing requirements rather than accepting the employee's summary. As a recommended control, use a return authorization checklist that links the reports, results, and approved assignment.

Separate Eligibility From Reinstatement

Meeting the return-to-duty conditions makes a return legally possible under the testing program; it does not order the employer to reinstate the employee. The employer decides whether to return someone to safety-sensitive work, subject to applicable employment requirements and agreements. The substance abuse professional does not make that staffing decision. Conversely, a manager's decision to rehire cannot waive the federal return conditions. Keep the two decisions visible in the file. One establishes that the testing-program conditions have been satisfied; the other authorizes the actual assignment. As a recommended control, tell dispatch only when the authorized return takes effect, and make sure a proposed start date does not outrun a missing test result.

Implement the Prescribed Follow-Up Plan

Returning an employee starts the follow-up obligation rather than ending the case. The substance abuse professional specifies the number, frequency, and type of tests in a written plan sent directly to the designated employer representative. The minimum is six unannounced tests during the first twelve months of safety-sensitive duty; the plan may require more and may extend through the following forty-eight months of that duty. Follow the actual plan, not a generic six-test package. The employer cannot impose extra follow-up tests beyond that plan. Do not give the employee the plan, frequency, or duration. As a recommended control, arrange secure access for the people who must implement it without exposing the schedule.

Keep Follow-Up Tests Unpredictable

Choose actual follow-up dates that satisfy the plan without a discernible pattern, and provide no advance notice. A test on the first Monday of every month would make the next test predictable. Drug follow-up collections must be directly observed. Do not count a random test as a follow-up test, even if it happens during the same month; the programs serve different requirements. A cancelled follow-up test does not count and must be recollected. The employer may not allow continued safety-sensitive work unless follow-up testing is conducted as directed. As a recommended control, track completed qualifying tests separately from appointments, cancellations, and random selections so a scheduling failure does not disappear in a combined count.

Carry Obligations Across Employment Changes

A transit mechanic returns after a violation, completes two follow-up tests, and then moves to another employer. The remaining plan follows the employee. A change of employer does not start a clean slate or automatically require a new plan. Breaks in safety-sensitive service also do not simply run out the plan's duty-based period. Obtain the required prior-employer information and return-process documentation, then implement the remaining obligation. Do not rely on a verbal claim that everything was completed. As a recommended control, reconcile the dates of safety-sensitive service, qualifying completed tests, and outstanding requirements before authorizing work. Use the required consent and confidentiality procedures when obtaining and transferring individual records.

Keep Transit Records Out of Clearinghouse

Do not report a violation of the transit testing program to the motor-carrier Clearinghouse merely because the employee holds a commercial driver's license. That database does not collect violation information for the other transportation modes. Transit employers still need the required prior-employer information and return-to-duty documentation; an empty Clearinghouse record is not proof that no transit violation occurred. For an organization that also performs separately regulated motor-carrier work, identify the authority for the particular test and apply that program's requirements. As a recommended control, include the testing agency in the case record and in vendor instructions. Keep a transit violation under its actual authority rather than relabeling it to fit a familiar database.

Close the Contractor Assignment Gap

A contractor's operator is removed after a verified positive drug result. The transit scheduler later sees the operator on a replacement roster and assumes the contractor has resolved the case. A roster is not return authorization. The actual employer must ensure the federal return conditions are met before covered work resumes and must carry out the follow-up plan. As a recommended oversight control, establish a reliable eligibility-status confirmation with the contractor and prevent assignment while the status remains unresolved. Keep detailed testing records within authorized disclosure channels rather than circulating them through the general scheduling team. If the operator returns, confirm who owns the remaining follow-up obligations and how the scheduler receives future restrictions.

Official references

Regulatory source 1 · 49 CFR 40.23 · 49 CFR 40.305 · 49 CFR 40.285 · 49 CFR 40.191 · 49 CFR 40.261 · 49 CFR 40.355 · 49 CFR 40.287 · Regulatory source 9 · 49 CFR 40.289 · 49 CFR 40.67 · 49 CFR 40.307 · 49 CFR 40.309 · 49 CFR 40.25 · Regulatory source 15