

# FTA

FEDERAL TRANSIT ADMINISTRATION

## 2017 Joint SSO and RTA Workshop

### FTA Drug and Alcohol Program Update

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Federal Transit Administration

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U.S. Department of Transportation  
Federal Transit Administration

# Program Fundamentals

# The FTA Regulated Landscape

- 648 Grantees
- 3,375 Entities
- 305,577 Safety-Sensitive Employees
- 95,857 Random Drug Tests
- 51,800 Random Alcohol Tests
- 13,667 Post-Accident Drug Tests
- 12,895 Post-Accident Alcohol Tests

## 49 CFR Part 655

- 49 CFR Part 655 (*Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations*)
- Drug testing regulation for approximately 3500 employers (urban grantees, states and their non-urban sub-recipients, contractors)
- Drug testing impacts over 300,000 transit employees

# Part 655, Drug and Alcohol Program

- Grantee Compliance Audits
  - 45-50 audits/year (~6 state audits)
  - 90-day response period
- Clandestine Collection Site Inspections
  - Approximately 120 inspections/year in ALL states
- FTA One-day Training Seminars
- FTA Regulatory Update Quarterly Newsletters
- Annual D&A Program National Conference and Trainings

# FTA's D&A Regulation – 49 CFR Part 655

Answers the questions:

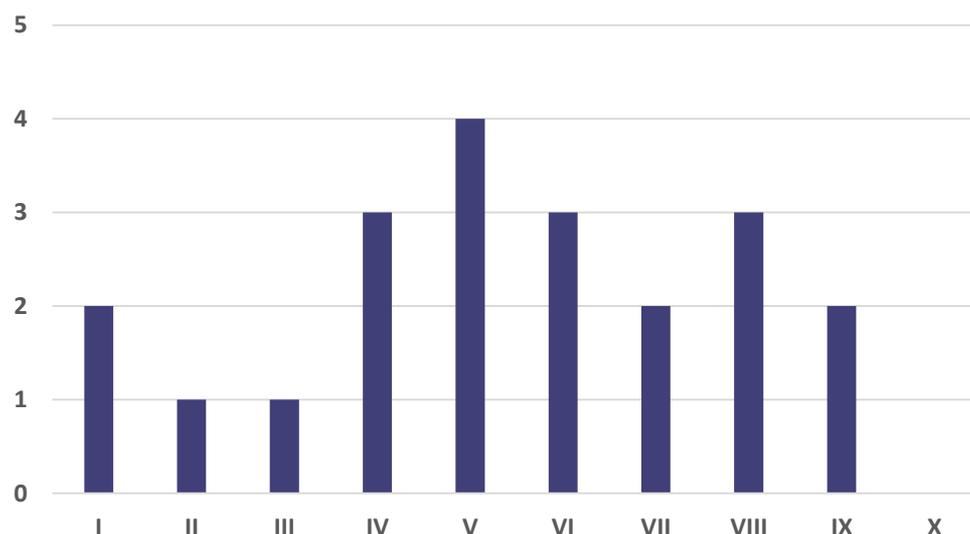
- Who is safety-sensitive in transit industry
- What are the minimum random rates, post-accident thresholds, reasonable suspicion thresholds, when is pre-employment testing required, return-to-duty, etc.
- What are the training requirements?
- What are the consequences for non-compliance for our employers?

# Audits

Since January, 2014:

- 21 States Reviewed
- 152 Sub-recipients/contractors Reviewed
  - 7-9 Sub-recipients per audit
  - Pass-through Sub-recipients remain responsible for contractor compliance

§5311 State Audits by Region



# Common Findings

- Policy out dated or not appropriate to Part 655
- Double-reporting of shared contractors
- See article Do Not Double Report MIS Testing Results in Issue 51 of the Drug & Alcohol Updates Newsletter (<https://transit-safety.fta.dot.gov/drugandalcohol/Newsletters/issue51/pdf/Issue51.pdf>)
- Predictable distribution of random tests
- Failure to refer applicants to SAP after pre-employment positive/refusal
- Lack of access to SAP
- Lack of access to EBT
- Each Grantee/Sub-recipient must have reasonable access to a conforming EBT

# Oversight/Horizon Issues

# State Oversight

- States have access to all drug testing records of sub-recipients, contractors, and relevant forms from vendors
- Monitor vendors closely
- Talk to each other!

# On the Horizon

- Proposed Part 40 Changes
  - Addition of Four Synthetic Opioids: hydrocodone, hydromorphone, oxymorphone, and oxycodone
  - Removal of Blind Specimen testing requirement
  - ~Ten other miscellaneous changes
- Oral Fluid Testing
  - SAMHSA approved DTAB recommendation
  - May – or may not – become DOT collection method

## On the Horizon

- Electronic Custody & Control Form (eCCF)
  - Fully approved for use (provided system meets HHS requirements)
  - Increasingly common in urban (high-volume) collection sites
  - Not yet common at rural clinics, but will become common
  - Allows for efficient “closed-loop” collection process

# FMCSA CDL Clearinghouse

- Rule does not apply to CDL-holding Transit Bus Operators and their Employers
- Mixed-coverage employers should consult Final Rule

# Consequences

- MAP-21 allows FTA to bar all or a portion of a recipient's federal financial assistance for failing to comply with Part 655 requirements
  - Revised § 655.82(b) provides Administrator with debarment mechanism
- FTA has reiterated ( § 655.83) state's responsibility to certify compliance of sub-recipients
- More Tribes are direct reports to FTA after MAP-21 and are now subject to Part 655 testing and MIS reporting

# Resources

DOT Office of Drug & Alcohol Policy & Compliance (ODAPC)

Phone: 202.366.3784

[www.dot.gov/ost/dapc](http://www.dot.gov/ost/dapc)

The screenshot shows the DOT website interface. At the top, there is a search bar and navigation links for 'About DOT', 'Our Activities', and 'Areas of Focus'. The main content area is titled 'Office of Drug & Alcohol Policy & Compliance' and includes an 'Overview' section. A sidebar on the left contains various navigation options like 'Drug and Alcohol Testing', 'Resources for Key Persons', and 'Regulations and Interpretations'. On the right, there is a promotional banner for 'National Prescription Drug TAKE BACK DAY' and a list of 'Most Requested Information' links.

**Transportation.gov**  
U.S. Department of Transportation

Search DOT site

▼ About DOT ▼ Our Activities ▼ Areas of Focus

Home > Resources > For Partners > Drug and Alcohol Testing

## Office of Drug & Alcohol Policy & Compliance

### Overview

The Office of Drug and Alcohol Policy and Compliance advises the Secretary on national and international drug testing and control issues and is the principal advisor to the Secretary on rules related to the drug and alcohol testing of safety-sensitive transportation employees in aviation, trucking, railroads, mass transit, pipelines, and other transportation industries. The Office publishes regulations and provides official interpretations on drug and alcohol testing, including how to conduct tests, and the evaluation and treatment procedures necessary for returning employees to duty after testing violations. The Office also coordinates the Department's involvement with the President's National Drug Control Strategy annually.

### Most Requested Information

- [What happens if I 'refuse' or 'test positive'?](#)
- [How do I find a Substance Abuse Professional \(SAP\)?](#)
- [Is there a list of prohibited drugs for being medically qualified to drive a commercial motor vehicle \(CMV\)?](#)
- [Documents and Forms](#)
- [Resources for Employers](#)
- [Resources for Employees](#)

**SAUS ENFORCEMENT ADMINISTRATION**  
**National Prescription Drug TAKE BACK DAY**  
Saturday, October 28th  
10 a.m. – 2 p.m.  
Turn in your unused or expired prescription medication for safe disposal.  
Click here for a collection site near you.  
For more information, please visit [www.dta.gov](http://www.dta.gov).

**Related Links**

- [DOT "Recreational Marijuana" Notice](#)
- [DOT "Medical Marijuana" Notice](#)
- [DOT Agency/USCG Drug and Alcohol Program Manager Information](#)
- [Subscribe to/Read ODAPC List Serve Notices](#)
- [SAMHSA's 'Opioid Overdose Took Kit'](#)
- [Office of National Drug Control Policy](#)

# Questions?

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