

1FEDERAL RAILROAD ADMINISTRATION
Control of Alcohol and Drug Use in Railroad Operations
(Title 49 Code of Federal Regulations Part 219)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0526

Summary

- This submission is a request for an extension without change (with changes in estimates) of the last three-year approval granted by the Office of Management and Budget (OMB) on May 27, 2022, which expires May 31, 2025.
- The Federal Railroad Administration (hereafter “FRA” or “the Agency”) published the required 60-day Notice in the Federal Register on March 12, 2025. See 90 FR 11873. FRA received zero comments in response to this Notice.
- Overall, adjusted estimates decreased the burden hours by 2,156 hours and decreased responses by 39,442. (The current OMB inventory for this ICR shows a total burden of 4,830 hours and 495,744 responses, while the requesting inventory estimates a total burden of 2,674 hours and 456,302 responses.)
- The answer to question 12 itemizes information collection requirements.
- The answer to question 15 itemizes adjustments.

1. **Circumstances that make collection of the information necessary.**

This collection of information is necessary for FRA to continue implementing and enforcing regulations at 49 CFR part 219—Control of Alcohol and Drug Use (part 219). FRA promulgated part 219 not only under its own authority to regulate all areas of railroad safety in 49 U.S.C. 20103(a), but also to implement the multiple statutory mandates described in the following “Background” section.

Background

FRA has regulated the use of alcohol and drugs by certain railroad employees since 1985, when it issued a final rule establishing alcohol and drug use control regulations under part 219. See 50 FR 31508, Aug. 2, 1985. The 1985 rule contained certain prohibitions on the use and possession of alcohol and drugs by covered employees, who were defined as employees who had been assigned to perform covered service subject to the Hours of Service Act (45 U.S.C. 61-64b).¹ See id. at 31569. The rule also contained requirements

¹ 49 U.S.C. Ch. 211.

for post-accident toxicological (PAT) testing, discretionary reasonable cause and reasonable suspicion testing, co-worker and voluntary referral policies, pre-employment drug testing, and reporting. See id. at 31508. In 1988, FRA amended part 219 to require random drug testing of covered employees.²

In 1994, FRA again amended part 219 to require random alcohol testing and reasonable suspicion testing, in conformance with the requirements of the Omnibus Transportation Employee Testing Act of 1991 (Omnibus Act) (reasonable cause testing remained discretionary).³ The Omnibus Act requirements for FRA (as delegated by the Secretary of Transportation in 49 CFR § 1.89) have been codified at 49 U.S.C. 20140—Alcohol and controlled substances testing.

The Omnibus Act also required the Department of Transportation (DOT or Department) to establish Federal workplace testing procedures for transportation employees. The Department’s Procedures for the Transportation Workplace Drug and Alcohol Testing Program are contained in 49 CFR part 40 (part 40), which is published by the DOT Office of the Secretary. Only the DOT Office of Drug and Alcohol Policy and Compliance and the DOT Office of the General Counsel are authorized to interpret part 40 requirements. See 49 CFR 40.5.⁴ Part 40 testing requirements and procedures apply to any drug or alcohol test required by DOT agency regulations, except for FRA’s PAT testing and certain testing conducted pursuant to DOT-mandated peer prevention programs. FRA’s PAT testing program pre-dates the enactment of the Omnibus Act, which specifically exempts the program from part 40. See § 40.1(c).

In 2016, FRA published a final rule that expanded part 219 to cover maintenance-of-way (MOW) employees, as mandated by the Rail Safety Improvement Act of 2008 (RSIA 2008).⁵ FRA issued another final rule in 2022, which further expanded part 219 to cover mechanical (MECH) employees in response to a mandate in the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act).⁶

2. How, by whom, and for what purpose the information is to be used.

The information collected under part 219 is used by FRA and the railroad industry to improve railroad safety through the detection and deterrence of alcohol misuse and illicit drug use by railroad or contractor employees who meet the definition of “regulated employee” in § 219.5. The basic information—evidence of alcohol misuse or unauthorized use of drugs—will be used to help prevent accidents by railroad regulated

² 53 FR 47102.

³ 59 FR 7448.

⁴ Unless otherwise specified, all references to CFR sections and parts in this document refer to Title 49 of the CFR.

⁵ 81 FRA 37894.

⁶ 87 FR 5719.

service employees who perform safety-sensitive functions. Other required information (such as testing forms, training materials, and documentation of various testing determinations) will be used by railroads, regulated employees, and FRA to help ensure that the requirements of part 219 are being properly implemented.

For example, information collected under part 219 will be used by FRA to ensure that railroads establish required alcohol and drug use prevention programs. The information collected will also confirm that railroad employees who perform regulated service comply with Federal regulations prohibiting the use of alcohol while on duty and controlled substances at any time, whether on or off duty (subject to certain exceptions for prescribed and over-the-counter drugs). FRA also uses the information collected to ensure that independent contractors and any other entities that perform regulated service for a railroad also comply with the requirements of this rule regarding their employees who perform regulated service. FRA reviews the required documentation to verify that the responsibility for compliance is clearly spelled out in the required FRA-approved Random Testing Plans and the contracts (or other documents) between the railroads and the contractors.

FRA uses the information collected to ensure that railroads devise adequate training programs so that supervisors of regulated employees receive essential alcohol and drug training. Specifically, they must be trained in the signs and symptoms of alcohol and drug influence, intoxication, and misuse. At a minimum, training programs must provide information concerning the acute behavioral and apparent psychological effects of alcohol and the major drug groups on the controlled substances list. The program must also provide training on the qualifying criteria for PAT testing and the role of the supervisor in post-accident collections.

FRA reviews the information collected to confirm that railroads provide educational materials to employees which explain the requirements of part 219 and the railroad's policies and procedures with respect to meeting those requirements. Railroads must ensure that a copy of these materials is distributed to each regulated employee hired for or transferred to a position that requires alcohol and drug testing under part 219. FRA also reviews the collected information to confirm that railroads provide written notice to representatives of employee organizations of the availability of this information.

The information collection provisions contained in the pre-employment, reasonable cause, reasonable suspicion, and referral requirements are intended primarily to ensure that railroad decisions implementing these requirements are fair and accurate. These requirements also protect employees and help give them confidence in the integrity of the testing process.

FRA uses information that railroads report on PAT testing forms to ensure that railroads are conducting PAT testing as required after qualifying events. When requested by FRA,

FRA also reviews PAT testing reports to examine whether good faith determinations have been made regarding any decision by a person other than the responding railroad representative on whether an accident/incident qualifies for PAT testing. FRA examines these reports to ensure they include the facts reported by the responding railroad representative, the basis upon which the testing was made, and the person making the decision. Also, to encourage and ensure compliance with this rule, FRA reviews records of PAT tests not promptly administered under subpart C to monitor the reasons the test was not properly administered. Administering prompt PAT tests is essential to having and maintaining an effective alcohol/drug prevention program, and it provides critical data for FRA, railroads, and other Federal agencies in the investigation of an accident/incident.

FRA reviews a random selection of records of alcohol/drug testing procedures practiced by railroads to ensure that the testing process is fair and made by a method employing objective, neutral criteria such that each covered employee has a substantially equal statistical chance of being selected for testing within the specified time frame.

Railroads are required to retain breath alcohol testing records and urine drug testing records for stipulated time periods. These records provide FRA with an invaluable resource for reviewing railroad drug and alcohol programs and procedures and ensuring compliance with Federal regulations. They also serve as a vital tool for FRA, the National Transportation Safety Board (NTSB), and others in the investigation of accidents/incidents that may be drug or alcohol related.

Overall, the information collected under part 219 serves as a critical compliance tool, and FRA uses the information to promote and enhance railroad safety and reduce the number and severity of railroad accidents/incidents, particularly those related to the misuse of alcohol and drugs by regulated railroad employees who occupy safety-sensitive positions.

3. Extent of automated information collection.

FRA strongly encourages the use of advanced automated technology, wherever feasible, to reduce the burden on respondents. FRA believes approximately 100% of submitted random testing plans required under subpart G will be submitted electronically, while 100% of PAT testing forms are initially submitted as paper forms, as required by subpart C. For all other submitted information, FRA believes approximately 90% will be submitted electronically.

4. Efforts to identify duplication.

The source of the information collection requirements is unique for each separate occurrence and, therefore, there is no known duplication of this material. Although other Federal agencies may utilize the information collected in the event of an accident/incident

for their investigation (e.g., NTSB), FRA is the sole Federal agency requiring the collection of this information from the railroads for regulated employees.⁷

The information submitted or collected for recordkeeping purposes is unique, and no other existing effort can be used or modified for these purposes. The data collected is not available from any other source.

5. Efforts to minimize the burden on small businesses.

Federal agencies may adopt their own size standards for small entities in consultation with the Small Business Administration and in conjunction with public comment. Pursuant to that authority, FRA has published a final policy that formally establishes “small entities” as railroads which meet the line haulage revenue requirements of a Class III railroad, which is annual carrier operating revenues of \$40.4 million or less after applying the Surface Transportation Board’s railroad revenue deflator formula, and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less.⁸

FRA estimates that there are approximately 745 railroads that employ 160,822 regulated employees, and 2,600 regulated contractors. The types of small entities potentially affected by part 219 are: (1) small railroads; (2) small contractors that engage in MECH and MOW operations; and (3) small contractors that provide Hours of Service (HOS) services (such as dispatching, signal, and train and engine services). All commuter railroad operations in the United States are part of larger governmental entities whose jurisdictions exceed 50,000 in population.

All railroads must comply with all or some subparts of part 219. However, to minimize the impact, part 219 has a small railroad exception for all railroads with 15 or fewer covered employees, except when these railroads have joint operations with another railroad, therefore increasing risk. These excepted small railroads are not subject to the requirements for reasonable cause testing, referral programs, or random testing. Currently, there are an estimated 346 small railroads exempted from subparts E, G and K. A significant portion of the MOW and MECH industry consists of contractors. FRA has determined that risk lies as heavily with contractors as with railroad employees, so contractors and subcontractors are subject to the same provisions of part 219 as the

⁷ While some regulated employees may also fall under the drug and alcohol testing requirements of the Federal Motor Carrier Safety Administration because they hold a commercial driver’s license, FRA allows part 219-regulated employers to accept a negative pre-employment drug test result conducted under authority the authority of another DOT agency (including FMCSA) for part 219 purposes, thereby avoiding the need for a single regulated employee to have multiple DOT pre-employment drug tests for a single employer. Part 219 further avoids duplicative burdens by providing that if a regulated employee performs functions subject to the random testing requirements of more than one DOT agency, the railroad may not include the regulated employee in more than one DOT random testing pool.

⁸ See 68 FR 24891 (May 9, 2003); 49 CFR part 209, app. C.

railroads for which they do contract work. Whether contractors must comply with all or part of the provisions of part 219 will depend on the size of the largest railroad (assumed to have the largest risk) for which the contractor works. Generally, the costs for the burdens associated with part 219 get passed on from the contractor to the pertinent railroad.

The burden on contractors for conducting pre-employment drug testing is also minimized because many contractors who are regulated employees also hold a commercial driver's license that subjects them to the pre-employment testing requirements of FMCSA, and FRA allows an employer to accept a negative pre-employment drug test conducted under FMCSA authority for part 219 purposes. Additionally, under § 219.901(b)(1), FRA permits railroads to maintain either a summary record or an individual file of each regulated employee's alcohol/drug test results for five years. Previously, FRA had allowed only summary records, but smaller railroads may find it easier to maintain individual files rather than summary records.

Also, it should be noted that part 219 does not apply to the following:

- (1) Railroads that operate only on track inside an installation that is not part of the general railroad system of transportation (i.e., plant railroads, as defined in § 219.5);
- (2) Tourist, scenic, historic, or excursion operations that are not part of the general railroad system of transportation, as defined in § 219.5; or
- (3) Rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

6. Impact of less frequent collection of information.

If this collection of information were not conducted, or were conducted less frequently, rail safety in the U.S. would be seriously jeopardized. A vastly higher number of regulated railroad employees (from 5-10 times higher) would impermissibly abuse alcohol and use illicit drugs without the deterrence and detection afforded by part 219.

Specifically, if railroads did not have effective alcohol and drug misuse prevention programs, and if these programs were not carefully monitored, regulated employees working in safety-sensitive positions would be more likely to use alcohol and drugs while on duty or just prior to coming on duty, and to use drugs impermissibly any time, whether on or off duty. These actions could lead to increased numbers of—and perhaps more severe—accidents/incidents in which train crews, MOW employees, MECH employees, other railroad employees, passengers, and innocent bystanders are injured or killed. Particularly in the case of a catastrophic accident or an accident involving the release of

hazardous materials, the number of casualties and harm to the environment and surrounding communities could be great.

Without the required alcohol and drug training programs, supervisors would not be able to identify employees under the influence of alcohol or drugs and immediately remove them from service. Consequently, the risk of additional rail accidents/incidents—with their corresponding injuries and death—would increase substantially.

Without this collection of information, railroad regulated employees and members of the public-at-large would be exposed to preventable dangers and would suffer as first-line casualties. Also, the collection of information is extremely helpful to FRA in determining whether railroads properly removed an employee from regulated service for violating an FRA prohibition on alcohol or drug use,⁹ and it is an invaluable resource to FRA, railroads, and other Federal agencies in determining probable cause and contributing factors for an accident/incident.

Overall, this collection of information promotes and enhances FRA's comprehensive rail safety program and contributes significantly to achieving both FRA's and DOT's mission, which is to enable safe transportation.

To be effective, a safety program requires timely information. Collection of this information less frequently would render it obsolete and meaningless, which would impair FRA's and railroads' safety programs. If future experience were to indicate that a lesser frequency is warranted, FRA would carefully review part 219 and make necessary revisions accordingly.

7. Special circumstances.

Under section § 219.901(b), each railroad must maintain the following records for a minimum of five years:

- (1) A summary record or the individual files of each regulated employee's test results; and
- (2) A copy of the annual report summarizing the results of its alcohol and drug misuse prevention program (if required to submit the report under § 219.800(a)).

The maintenance of test results (either as a summary or individual files) for longer than three years is necessary for FRA to monitor that railroads are not placing regulated

⁹ In some cases, FRA also uses this information to determine whether a railroad properly revoked or suspended a locomotive engineer's or conductor's certification for violating an FRA prohibition on alcohol or drug use in accordance with the applicable requirements of 49 CFR parts 240—Qualification and Certification of Locomotive Engineers and 242—Qualification and Certification of Conductors. FRA will similarly use this information to monitor compliance with certification requirements in 49 CFR parts 245—Qualification and Certification of Dispatchers and 246—Certification of Signal Employees once those rules are fully implemented.

employees who have had positive test results back into regulated service without complying with all applicable return-to-duty and follow-up testing requirements, which may not be completed until five years after an employee's return to regulated service. See 49 CFR § 40.307(d). These records are also necessary to ensure railroads are complying with certification requirements that can apply to regulated employees for up to five years following a positive test result indicating a violation of 49 CFR 219.101. See e.g., 49 CFR § 240.119(e)(4)(iii). Similarly, records related to alcohol and drug misuse prevention programs must be kept for more than 5 years because employees may be participating in such programs for an extended period of time.

All other information collection requirements are in compliance with 5 CFR § 1320.5(d)(2).

8. Compliance with 5 CFR 1320.8.

As required by the Paperwork Reduction Act of 1995 (PRA) and 5 CFR part 1320, FRA published a notice in the Federal Register on March 12, 2025,¹⁰ soliciting comment from the public, railroads, and other interested parties on these information collection requirements. FRA received zero comments from the public.

Consultations with representatives of the affected population:

As a part of FRA's oversight and enforcement responsibilities, individuals from the railroad industry are generally in direct contact with FRA's inspectors at the time of site inspections and can provide any comments or concerns to them.

9. Payments or gifts to respondents.

There are no monetary payments or gifts made to respondents associated with the information collection requirements contained in this regulation.

10. Assurance of confidentiality.

For PAT testing results and information received by FRA, FRA treats information concerning medically authorized use of controlled substances as administratively confidential under § 219.211(d), except where the information is deemed material to determination of accident causation or when FRA provides testing results and supporting documentation to NTSB. FRA will also withhold from public disclosure any part 219-related records in its possession that qualify as "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," as provided in 49 U.S.C. 552(b)(6).

¹⁰90 FR 11873.

Further, railroads are required to maintain part 219 records in a secure location with controlled access. Additional confidentiality requirements are contained in part 40, subpart P—Confidentiality and Release of Information. (Although part 40 requirements generally don't apply to FRA PAT testing, § 219.211(b) specifically states that a railroad and a Medical Review Officer (MRO) must treat PAT test results and any information concerning medical use or administration of drugs in the same confidential manner as if they were subject to part 219, subpart H—Drug and Alcohol Testing Procedures, which incorporates part 40 requirements.)

FRA utilizes a Web Information Service (WIS), which is a collection of several internal facing web applications. Within WIS, the Post-Accident Toxicological Testing System II (PATTS II) is the only tool that collects, stores, or processes Personal Identifiable Information (PII). Specifically, PATTS II allows FRA to electronically store and archive new and legacy PATTS records, including program documentation and specimen lab results. FRA uses these records to fulfill the requirements of part 219, subpart C, Post-accident Toxicological Testing. Subpart C requires railroad industry employers subject to part 219 to perform specimen collections, complete testing paperwork, and ship the specimens and paperwork to FRA's contract laboratory.

In accordance with the E-Government Act of 2002, draft copies of the Privacy Impact Assessment (PIA) for PATTS II and the new System of Record Notice (SORN) request, are currently under review with the DOT Chief Privacy Office (CPO).

A copy of the previously adjudicated Privacy Threshold Assessment (PTA), for FRA WIS that includes the PATTS II Testing System, is provided with this submission for OMB review.

The National Archives and Records Administration (NARA) assigned Record Schedule Number for PATTS II is N1-399-08-9.¹¹

11. Justification for any questions of a sensitive nature.

Railroads and employees may sometimes provide Social Security Numbers (SSNs) on FRA's PAT testing 6180.74 form. Before uploading this form to FRA's PATTS II database, FRA redacts all SSNs.

An MRO may also report information concerning medical use or administration of drugs when they report to FRA that a positive result on a PAT test derived from authorized use

¹¹ https://www.archives.gov/files/records-mgmt/rcc/schedules/departments/departments-oftransportation/rg-0399/n1-399-08-009_sf115.pdf.

or administration of a controlled substance. The MRO may also disclose to FRA an underlying medical condition for which any medication was authorized or administered. This information is necessary for FRA to understand the basis upon which MROs are downgrading laboratory positives and will be considered by FRA in relation to its investigation of an accident/incident and any potential enforcement action under consideration. *See* 49 CFR § 219.211(c).

A railroad may also maintain information regarding a medical emergency involving an employee or an immediate family member to document why an employee who was selected for random tested was excused. *See* 49 CFR § 219.617(a)(3).

12. Estimate of burden hours for information collected.

In the following table, estimates for the respondent universe, annual responses, and average time per response are based on the experience and expertise of FRA's Drug and Alcohol Division.

CFR Section	Respondent Universe	Total Annual Responses (A)	Average Time per Response (Hours) (B)	Total Annual Burden (Hours) (C = A * B)	Wage Rate ¹² (D)	Total Cost Equivalent U.S.D (E = C*D)	Section Analyses and Estimates
219.4 Recognition of foreign railroad’s workplace testing program							
—Petition submissions to FRA	FRA anticipates zero petitions for the next 3-year collection period.						
219.7 Waivers							

¹² The dollar equivalent cost is derived from the 2023 Surface Transportation Board Full Year Wage A&B data series using employee group 200 (Professional Administrative Staff) hourly wage rate of \$50.93. The total burden wage rate (straight time plus 75%) used in the table is \$89.13 (\$50.93 x 1.75 = \$89.13).

—Waiver submissions to FRA	745 railroads 2,600 regulated contractors	3	90 minutes	4.50	\$89.13	\$401.09	Each petition for waiver under this section must be filed in a manner and contain the information required by 49 CFR part 211. A petition for waiver of the part 40 prohibition against stand down of an employee before the MRO has completed the verification must also comply with 49 CFR § 40.21.
219.12 Hours-of-service laws implications.							
—(d) Employees placed on duty for follow up testing documentation.	745 railroads + 160,822 regulated employees	6	30 minutes	3	\$89.13	\$267.39	A railroad must maintain documentation establishing the need to place the employee on duty for purpose of conducting the follow-up test and provide this documentation for review upon request of an FRA representative.
219.23 Railroad policies							
—(a) Written notification of testing provided to employees	160,822 regulated employees	71,978	30 seconds	599.82	\$89.13	\$53,461.96	Whenever a breath or body fluid test is required of an employee under part 219, the railroad (either through a railroad employee or a designated agent, such as a contracted collector) must provide clear and unequivocal written notice to the employee that the test is being required under FRA regulations and is being conducted under Federal authority. The railroad must also provide the employee clear and unequivocal written notice

							of the type of test that is required (e.g., reasonable suspicion, reasonable cause, random selection, follow-up, etc.).
—(c) Revised educational materials and copies made available to employees	745 railroads 160,822 regulated employees	73	1 hour	73	\$89.1 3	\$6,506.49	FRA has developed model educational materials that regulated railroads can use to fulfill this requirement. However, these entities will modify/revise the FRA document to meet their own needs. Updated copies of the revised material must be made available to each regulated employee hired for or transferred to a position that requires alcohol and drug testing under part 219. The average time per response includes the time to post the education materials. This is mostly done electronically, which requires minimal burden. Some railroads may post the materials in a central location that is easily visible to all regulated employees or make the material available on a company website that is accessible to all regulated employees.

—Hard copy educational materials to employees	745 railroads	64	2 minutes	2.13	\$89.1 3	\$189.85	FRA estimates that approximately 10% of the 745 railroads will supply hard copies to regulated employees. Most, if not all, Class I railroads refer employees to the company's intranet.
219.104 Responsive action							
—(b) Written notice of removal from regulated service	160,822 regulated employees	530	2 minutes	17.67	\$89.1 3	\$1,574.93	Before or upon removing a regulated employee from regulated service under this section, a railroad must provide written notice to the employee of the reason for this action. A railroad may provide a regulated employee with an initial verbal notice so long as it provides a follow-up written notice to the employee as soon as possible. In addition to the reason for the employee's withdrawal from regulated service, the written notice must also inform the regulated employee that he may not perform any DOT safety-sensitive duties until he completes the return-to-duty process of Part 40. Note: Burdens for § 219.107 are included in this section.
219.105 Railroad's duty to prevent violations							

—(c) Documents provided to FRA upon request regarding RR’s alcohol and/or drug use education/prevention program	745 railroads	3	5 minutes	0.25	\$89.13	\$22.29	Upon FRA’s request, a railroad must make available for FRA review all documents, data, or other records related to railroad drug and alcohol programs and policies.
—(d) RR supervisor Rule G observations and records of regulated employees	745 railroads 160,822 regulated employees	321,644	2 seconds	178.69	\$89.13	\$15,926.64	Each year, a railroad must have its supervisors conduct and record a number of “Rule G” employee observations at a minimum equal to twice the railroad’s total number of regulated employees. Each “Rule G” observation must be made sufficiently close to an individual regulated employee to determine whether the employee is displaying signs and symptoms indicative of a violation of the prohibitions of part 219.
219.201 Events for which testing is required							
—(c) Good faith determinations ¹³	Supervisors of regulated employees	500	5 minutes	41.67	\$89.13	\$3,714.05	A railroad representative responding to the scene of an accident/incident must determine whether the accident/incident meets the criteria to be a qualifying event under § 219.201(a). It is the duty of the railroad representative to make

¹³ The burden for this section is based on the estimated time it takes for a railroad representative to make a good faith determination using FRA’s Post-Accident Determination App. FRA developed this app to help railroads make correct post-accident toxicological testing determinations and has made it available to download for free. See <https://railroads.dot.gov/railroad-safety/divisions/drug-and-alcohol/post-accident-determination-app>.

							reasonable inquiry into the facts as necessary to make such determinations. In making such inquiry, the railroad representative must consider the need to obtain specimens as soon as practical in order to determine the presence or absence of impairing substances reasonably contemporaneous with the accident/incident. The railroad representative satisfies the requirement of this section if, after making reasonable inquiry, the representative exercises good faith judgement in making the required determinations.
—(c)(iii) Report by RR concerning decision by person other than RR representative about whether an accident/incident qualifies for testing	745 railroads 160,822 regulated employees	2	30 minutes	1	\$89.1 3	\$89.13	Upon specific request made to the railroad by the FRA, the railroad must provide a report describing any decision by a person other than the responding railroad representative with respect to whether an accident/incident qualifies for testing.
219.203 Responsibilities of railroads and employees							
—(d)(1) Notification of failure to collect urine/blood specimens within four hours	745 railroads 160,822 regulated employees	80	2 minutes	2.67	\$89.1 3	\$237.98	A regulated employee subject to PAT testing under part 219, subpart C must cooperate in the provision of specimens as described in part 219. A railroad must make every reasonable effort to assure that specimens are provided as soon

							as possible after the accident or incident, preferably within four hours. If a specimen is not collected within four hours of a qualifying event, the railroad must immediately notify the FRA Drug and Alcohol Program Manager at 202-493-6313 and provide detailed information regarding the failure (either verbally or via a voicemail).
— (e)(5) Documentation and report of employees subject to recall for testing	745 railroads 160,822 regulated employees	4	30 minutes	2	\$89.1 3	\$178.26	A railroad must document its attempts to contact an employee subject to the recall provisions of this section. When unable to do so due to non-cooperation of employee, the RR must contact FRA and prepare a concise narrative report. The report must also document the railroad's good faith attempts to contact and recall the employee.
—(g)(2) RR notification to National Response Center of injured employee unconscious or otherwise unable to give testing consent	745 railroads 160,822 regulated employees	2	10 minutes	0.33	\$89.1 3	\$29.42	If an injured employee is unconscious or otherwise unable to consent to the procedure and the treating medical facility declines to obtain blood and/or urine specimens after having been informed of the requirements of part 219, subpart C, the railroad must immediately notify the duty officer at the National Response Center to report that information.
219.205 Specimen collection and handling							

— Post Accident Toxicological Testing Forms – FRA F 6180.73	745 railroads 160,822 regulated employees	103	10 minutes	17.17	\$89.13	\$1,530.37	In order to process the samples, analyze the significance of laboratory findings, and notify the railroads and employees of these results, it is necessary to obtain basic information concerning the accident/incident and any treatment administered after the accident/incident. Accordingly, the railroad representative must complete the information required by Form FRA F 6180.73, entitled "Accident Information Required for Post-Accident Toxicological Testing."
— Specimen handling/collection – Form FRA F 6180.74 by train crew members after accident	160,822 regulated employees	219	15 minutes	54.75	\$89.13	\$4,879.87	Each employee subject to testing must cooperate in completion of the required information on Form FRA F 6180.74 (revised) for inclusion in the shipping kit and processing of the specimens. The railroad representative must ask an appropriate representative of the medical facility to complete the remaining portion of the information on each Form FRA F 6180.74.
—(b) Collection of Post-Mortem Toxicology Samples - FRA F 6180.75	745 railroads 160,822 regulated employees	7	20 minutes	2.33	\$89.13	\$207.68	FRA requests that the person taking the specimens annotate the Control Form under "Supplemental Information" if additional toxicological analysis will be undertaken with respect

							to the fatality. FRA reports are available to the coroner or medical examiner on request. This form is part of the shipping kit that is sent to medical examiners, coroners, or pathologists after a rail accident/incident where there is a fatality.
—(d) Records of shipment chain of custody	745 railroads 160,822 regulated employees	103	2 minutes	3.43	\$89.1 3	\$305.72	The railroad must maintain and document secure chain of custody of the kit(s) from release by the medical facility to its delivery for transportation, as described in appendix C to part 219.
—(e) Specimen security - Contemporaneous written record of kit error	745railroad s 160,822 regulated employees	10	2 minutes	0.33	\$89.1 3	\$29.42	After a specimen kit or transportation box has been sealed, no entity other than the laboratory designated in appendix B to part 219 may open it. If the railroad or medical facility discovers an error with either the specimens or the chain of custody form after the kit or transportation box has been sealed, the railroad or medical facility must make a contemporaneous written record of that error and send it to the laboratory, preferably with the transportation box.
219.206 FRA access to breath test results							
FRA anticipates zero submissions under this requirement over the next three-year period.							
219.207 Fatality							
—(a) RR	745	5	10	0.83	\$89.1	\$73.98	In accordance with this section,

notification to local authority	railroads 160,822 regulated employees		minutes		3		the railroad must immediately notify the appropriate local authority (such as a coroner or medical examiner) of the fatality and the requirements of part 219, subpart C, making available the post-mortem shipping kit and requesting the local authority to assist in obtaining the necessary body fluid or tissue specimens.
219.209 Reports of tests and refusals							
—(a) Telephonic notification to National Response Center (NRC) and FRA of accident/incident where samples were obtained	745 railroads 160,822 regulated employees	103	2 minutes	3.43	\$89.1 3	\$3056.72	A railroad that has experienced one or more events for which samples were obtained must provide prompt telephonic notification summarizing such events. Notification must immediately be provided to the duty officer at the National Response Center.
219.211 Analysis and follow-up							
—(b) Results of post-accident toxicological testing to railroad Medical Review Officer (MRO) employee	745 railroads 160,822 regulated employees	7	15 minutes	1.75	\$89.1 3	\$155.98	Results of post-accident toxicological testing under part 219, subpart C are reported to the railroad's MRO and the employee.

—(c) MRO report to FRA of positive test for alcohol/drugs of surviving employee	745 railroads 160,822 regulated employees	6	15 minutes	1.50	\$89.1 3	\$133.70	With respect to a surviving employee, a test reported as positive for alcohol or a controlled substance by the designated laboratory must be reviewed by the railroad's MRO with respect to any claim of use or administration of medications (consistent with § 219.103) that could account for the laboratory findings. The MRO must promptly report the results of each review to FRA.
—(e) E-email or written response from employees to FRA regarding results of the toxicological analysis	FRA anticipates zero (0) submissions under this requirement over the next three-years.						
—(h) Recordkeeping — post-accident toxicology tests	Laboratories keep these records as part of their contract with FRA. Consequently, there is no burden associated with this requirement.						
—(i) Employee's request for a retest of split blood and urine samples	FRA estimates that it will receive zero (0) letters requesting that a sample be retested.						
219.213(a) & (b) — Notice of disqualification	FRA believes that there will be zero (0) employees who refuse to cooperate in providing blood or urine samples following an accident or incident.						
219.303 Reasonable suspicion observations							
—(d) Railroad maintenance of written documentation of	745 railroads 160,822 regulated	33	5 minutes	2.75	\$89.1 3	\$245.11	The railroad must maintain written documentation that specifically describes the observed signs and symptoms

reasonable suspicion determination	employees						upon which determination that reasonable suspicion exists is based. This documentation must be completed promptly by the trained supervisor.
219.305 Prompt specimen collection; time limitations							
—(b) Railroad written record stating reasons test was not promptly administered	745 railroads 160,822 regulated employees	11	2 minutes	0.37	\$89.1 3	\$32.98	If a test required by part 219, subpart D is not administered within two hours following a determination made under this section, the railroad must prepare and maintain on file a record stating the reasons the test was not administered within that time period. If an alcohol or drug test required by subpart D is not administered within eight hours of the determination made under this subpart, the railroad must cease attempts to administer the test and must record the reasons for not administering the test.
219.405 Documentation requirements							
—(a) Written documentation describing basis for reasonable cause test	745 railroads 160,822 regulated employees	2,314	5 minutes	192.83	\$89.1 3	\$17,186.94	Each railroad must maintain written documentation that specifically describes the basis for each reasonable cause test it performs under Federal authority. This documentation must be completed promptly by the responsible railroad supervisor. Note: Burdens for § 219.403 are included in this section.

219.407 Prompt specimen collection; time limitations							
—(b) Record of prompt specimen collection time limitation exceeded	745 railroads 160,822 regulated employees	17	15 minutes	4.25	\$89.1 3	\$378.81	If a test conducted pursuant to the authority of part 219, subpart E is not administered within two hours following the observations upon which the testing decision is based, the railroad must prepare and maintain on file a record stating the reasons the test was not conducted within that time period. If an alcohol or drug test authorized by subpart E is not administered within eight hours of the event under this subpart, the railroad must cease attempts to administer the test and must record the reasons for not administering the test.
219.501 Pre-employment drug testing							
— (b) Railroad documentation of negative pre-employment drug tests for employees of contractors	745 railroads 2,600 regulated contractors	6,400	30 seconds	53.33	\$89.1 3	\$4,753.31	Each railroad must ensure that each employee of a contractor who performs regulated service on the railroad's behalf has a negative DOT pre-employment drug test on file with his or her employer. The railroad must also maintain documentation indicating that it had verified that the contractor employee had a negative DOT pre-employment drug test on file with his or her direct employer.
219.605 Submission and approval of random testing plans							

—(a)(1) New railroads' submission of random testing plan	12 railroads	12	1 hour	12.00	\$89.13	\$1,069.56	Each railroad must submit for review and approval a random testing plan meeting the requirements of § 219.607 and § 219.609 to FRA. A railroad commencing start-up operations must submit its plan no later than 30 days before its date of commencing operations.
—(a)(2) Amendments to currently-approved FRA random testing plan	745 railroads 160,822 regulated employees	450	1 hour	450.00	\$89.13	\$40,108.50	A railroad may submit separate random testing plans for each category of regulated employees (as defined in § 219.5), combine all categories into a single plan, or amend its current FRA-approved plan to add additional categories of regulated employees, as defined by part 219. Note: Burdens for §§ 219.607 through 219.611 are included in this section.
—(b) Plan approval notification — Resubmitted random testing plans after non-approval by FRA	745 railroads 160,822 regulated employees	56	30 minutes	28.00	\$89.13	\$2,495.64	FRA will notify a railroad in writing whether its plan is approved. If the plan is not approved because it does not meet the requirements of part 219, subpart G, FRA will inform the railroad of its non-approval, with specific explanations of any required revisions. The railroad must resubmit its plan with the required revisions within 30 days of the date of FRA's

							written notice.
—(d)(2) Non-substantive amendment to an approved plan	745 railroads 160,822 regulated employees	300	15 minutes	75.00	\$89.1 3	\$6,684.75	Each railroad must provide a non-substantive amendment to an approved plan (such as the replacement or addition of service providers) to the FRA Drug and Alcohol Program Manager in writing (by letter or email) before its effective date. However, FRA pre-approval is not required.
219.615 Random testing collections							
—(f) Documentation of incomplete random testing collections	745 railroads 160,822 regulated employees	2,250	30 seconds	18.75	\$89.1 3	\$1,671.19	A railroad must use due diligence to ensure that a random testing collection is completed for each selected pool entry unless it has an acceptable explanation for not conducting the collection. All reasons for incomplete collections must be fully documented and are subject to inspection by FRA upon request.
219.617 Participation in random alcohol and drug testing							
— (a)(3) Employee exclusion from random alcohol/drug testing	745 railroads 160,822 regulated employees	6	1 hour	6	\$89.1 3	\$534.78	To be eligible for exclusion from random testing, the employee must provide verifiable documentation of the emergency situation from a credible outside professional within a reasonable period of time (e.g., a doctor, dentist, hospital, law enforcement officer, or school authority).
219.623 Records							

—(a) Random testing records	745 railroads 160,822 regulated employees	48,977	1 minute	816.28	\$89.1 3	\$72,755.04	Contractors and service agents performing random testing responsibilities under part 219, subpart G must provide records required by the subpart whenever requested by the contracting railroad or by FRA. A railroad remains responsible for maintaining records demonstrating that it is in compliance with the requirements of subpart G. Note: Burdens for §§ 219.613 and 219.901 are included in this section.
219.1001 Requirement for referral programs							
— Co-worker referral of employee who is unsafe to work or in violation of part 219	745 railroads 160,822 regulated employees	24	5 minutes	2	\$89.1 3	\$178.26	Using the railroad's established part 219 referral program, co-workers are encouraged to participate in preventing violations of part 219 by referring co-workers who are unsafe or in violation of part 219.
Total ¹⁴	745 railroads 160,822 regulated employees 2,600	456,302 responses		2,674 hours		\$238,317	

¹⁴ Totals may not add up due to rounding.

	regulated contractors						
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13. Estimate of total annual costs to respondents.

There will be no additional cost burden to respondents beyond the burden listed in FRA's answer to question number 12.

14. Estimate of Cost to Federal Government.

To estimate the government administrative cost of the part 219 paperwork requirements included in this ICR, the 2025 Office of Personnel Management (OPM) wage rates at the GS-12 to GS-15, for the Washington, D.C. area were used. The average wage (step 5) was used as a midpoint. The tables below outline the estimated average annual cost to the Federal government to monitor FRA's PAT testing program and to review railroad random testing plans submitted to FRA for review and approval. There is also the administration and oversight of the approximately 95,000 DOT/part 40 tests (for pre-employment, random, reasonable suspicion, reasonable cause, return-to-duty, and follow-up) conducted under FRA authority each year that is not reflected by this part 219 PRA.

PAT Testing Program	No. of Employees	Grade/Step	Annual Salary	Salary (Incl. 75% Overhead)	Time Spent Annually	Total Cost U.S.D
Monitor and Database Maintenance of PAT testing program. ¹⁵	1	GS-15/5	189,949	332,410	10 %	\$33,241
	1	GS-14/5	161,486	282,600	10 %	\$28,260
	1	G3-13/5	136,657	239,149	30 %	\$71,744
	1	GS-12/5	114,923	201,115	50 %	\$100,557
						\$233,802

¹⁵ The previously reported annual costs for MOW-related PAT testing were covered by the economic costs of the regulatory requirements during the MOW rulemaking and as such have been removed as a reported annual expense.

Random Testing Plans	No. of Employees	Grade/Step	Annual Salary	Salary (Incl. 75% Overhead)	Time Spent Annually	Total Cost U.S.D
Approval of railroads random testing plans, archiving, and monitoring of the program.	1	GS-15/5	189,949	332,410	15%	\$49,861
	1	GS-14/5	161,486	282,600	50%	\$141,300
	1	G3-13/5	136,657	239,149	15%	\$35,872
	1	GS-12/5	114,923	201,115	20%	\$40,223
						\$267,256

Estimated Annual Cost to Federal Government: \$501,058.

15. Explanation of program changes and adjustments.

This is an extension without change (with changes in estimates) of a currently approved ICR. The current OMB inventory for this ICR shows a total burden of 4,830 hours and 495,744 responses, while the requesting inventory estimates a total burden of 2,674 hours and 456,302 responses.

FRA has conducted a thorough review and analysis of this ICR and has determined that some of the higher estimates were based on the initial requirements to incorporate an additional 19,058 MECH employees that were newly subject to part 219 as a result of the 2022 final rule. Therefore, these numbers were decreased to more accurately reflect the much lower number of anticipated submissions recorded under each requirement over the next three-year period.

Burden hours under § 219.4, comments on petitions, were removed as public comments received in response to general solicitation of comments published in the Federal Register are not considered information under the PRA.¹⁶ Additionally, after further review FRA determined that § 219.203, Obtaining cooperation of facility, does not create additional paperwork burden. This section merely outlines a railroad's need to reference part 219, subpart C as the regulatory authority when obtaining specimens from an uncooperative medical facility in a post-accident testing event.

¹⁶ 5 CFR 1320.3(h)(4).

Finally, with this submission FRA has removed the previously reported burden under § 219.25, Previous employer drug and alcohol checks and § 219.800, Annual reports. The burden hours associated with these requirements are now covered under OMB control number 2105-0529 Procedures for Transportation Drug and Alcohol Testing Program.

Overall adjustments decreased the burden by 2,156 hours and responses by 39,442. The table below itemizes all adjustments made based on feedback from FRA's subject matter experts (SMEs).

CFR Section/Subject	Current Annual Responses	Requested Annual Responses	Diff.	Current Burden Hours	Requested Burden Hours	Diff.	Analysis
219.4 Petition for recognition of foreign railroad's workplace testing program							
— Petitions	1	0	-1	40	0	-40	FRA anticipates zero petitions over the next three-year period.
— Comments on petitions.	4	0	-4	1	0	-1	Public comments for notices published in the Federal Register are not PRA.
219.23 Railroad policies							
219.23(a) – Notification to employees for testing	71,978	71,978	0	194.94	599.82	404.88	The total for the previous burden included 53,983.5 verbal responses + 17,994.5 written notices for a total of 71,978 notices. A written notification is still required even if verbal notification has been given. In this submission the total burden hours includes written notification for all 71,978 responses and the average time per response includes the time needed for both the verbal and written notification if both are provided.
—(c) Revised educational materials and copies made available to regulated	744.33	73	-671	744.33	73.00	671.33	The reduction in burden for this requirement more accurately reflects only those railroads that choose to do any kind of revision and then make the

employees							updated material available to all regulated employees.
— Hard copy educational materials to employees	22,052	64	21,988	735.07	2.13	-732.94	All Class I railroads refer employees to the company's intranet, and most other passenger railroads and Class II and III freight railroads do so as well. It is estimated that only approximately 10% of the 745 railroads still provide hardcopy educational materials to employees. This estimate is based on the SMEs knowledge and experience with the program.
219.25 Previous employer drug and alcohol checks							
— (a) Drug and alcohol testing records from previous employers and employee release of information (49 CFR 40.25(a) and (f))	7,623	0	-7,623	1,016.4 0	0	1,016.4 0	The burden associated with this requirement is covered under DOT's part 40 Information collection. OMB No. 2105-0529 Procedures for Transportation Drug and Alcohol Testing Program.
219.104 Responsive action							
—(b) Written notice of removal regulated service	1,060	530	-530	22.08	17.67	-4.41	Previously the responses were determined based on the number of verbal responses and the number of written letters. As not all employees will receive both a verbal and written notification, the SMEs determined it was more accurate to reflect only the total number of employees and the average time spent on both the verbal and written notification for each employee. This ensures the annual response is not being over estimated.
219.105 Railroad's duty to prevent violations							

—(d) RR Supervisor Rule G observations and records of regulated employees	330,116	321,644	-8,472	183.40	178.69	-4.71	To provide a more accurate estimate, the total number of regulated employees was used to determine burden. The current number of regulated employees is lower now than it was three years ago.
219.203 Responsibilities of railroads and employees							
—RR reference to part 219 requirements and FRA's post-accident toxicological kit instructions in seeking to obtain facility cooperation	98	0	-98	8.17	0	-8.17	After further review of this requirement, the SMEs determined that this requirement does not create additional paperwork burden. This section outlines that railroads need to reference this part 219, subpart C as an authority when obtaining cooperation, a medical facility to obtain a specimen.
219.800 Annual reports							
—(a) Annual reports summarizing the results of railroads alcohol misuse and drug abuse prevention program. Management Information System (MIS) form. (49 CFR 40.26 MIS form submission)	55	0	-55	82.50	0	-82.50	The burden associated with this requirement is covered under DOT's part 40 Information collection. OMB No. 2105-0529 Procedures for Transportation Drug and Alcohol Testing Program.
Total ¹⁷	495,744	456,302	-39,442	4,830	2,674	-2,156	

16. Publication of results of data collection.

FRA may disclose PAT testing results when necessary to consider this information in an accident investigation in relation to a determination of probable cause. FRA may also publish information concerning employee impairment that caused or contributed to (or potentially caused or contributed to) an accident/incident, which FRA determines

¹⁷ Totals may not add up due to rounding.

based on these PAT testing results. This information is a key human factor element of FRA accident/incident investigations.

FRA will also disclose MIS information that summarizes railroad alcohol misuse and drug use program data when announcing FRA's minimum random alcohol and drug testing rates, which are based on the railroad industry's random testing violation rates for the preceding consecutive two calendar years. See 49 CFR § 219.624(b).

All of the remaining information obtained under this program is intended for use by the Office of Railroad Safety to monitor railroad compliance with part 219 requirements and regulated employee compliance with part 219 prohibitions on the use of alcohol and drugs. Railroads also use this information to effectively implement and monitor the required testing programs.

17. Approval for not displaying the expiration date for OMB approval.

OMB has approved FRA's request for an exemption from the requirement to provide the collection's expiration date on printed forms FRA F 6180.73, FRA F 6180.74, and FRA F 6180.75. FRA will be displaying the expiration date on the forms available on FRA's website.

18. Exception to certification statement.

No exceptions are taken at this time.