



U.S. Department
of Transportation

**Federal Transit
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

October 17, 2018

Dear Colleague:

As mandated by its drug and alcohol regulation, the Federal Transit Administration (FTA) will, effective January 1, 2019, increase the minimum rate of random drug testing from 25 percent to 50 percent of covered employees for employers subject to FTA's drug and alcohol regulation. This increased random drug testing rate results from a recent uptick in the proportion of violations identified through random drug testing.

The 50 percent random drug testing rate will apply to entities receiving Federal assistance under 49 U.S.C. 5307, 5309, 5311 or 5339, including grantees, subrecipients, and safety-sensitive contractors. The required minimum rate for random alcohol testing is unaffected and will remain at 10 percent for calendar year 2019.

The FTA is required by statute, at 49 U.S.C. 5331(b)(1), to issue regulations establishing a program that requires public transportation operators that receive financial assistance under certain FTA programs to conduct, among other types of testing, random testing of public transportation employees responsible for safety-sensitive functions for the use of a controlled substance in violation of law or a Federal regulation.

The FTA's implementing regulation for random testing, at 49 C.F.R. 655.45, sets a default that the minimum annual percentage rate for random drug testing must be 50 percent of covered employees. The regulation allows FTA discretion to lower the minimum random drug testing rate from 50 percent to 25 percent where data for the two preceding consecutive calendar years indicate that the reported positive violation rate is less than 1.0 percent. In 2007, this condition was met and FTA exercised its discretion to reduce the random drug testing rate to 25 percent. The rate has remained at 25 percent since then, but FTA's regulation further mandates that, if the reported positive violation rate relapses back to 1.0 percent or greater, FTA must increase the random drug testing rate back to the default of 50 percent. Per recently validated data reported by the industry for calendar year 2017, the random drug testing violation rate is now 1.06 percent. Accordingly, FTA is required to increase the minimum annual rate for random drug testing to 50 percent. This change will be effective January 1, 2019.

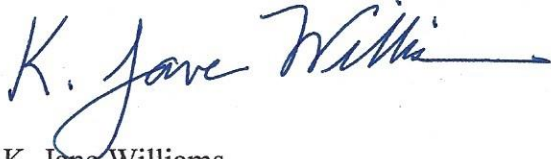
The continued safety of public transportation customers and workers remains FTA's focus. The FTA is committed to working with you to provide technical assistance in implementing the forthcoming increase in FTA's random drug testing requirement. If you need additional

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information or assistance, please feel free to contact Henrika Buchanan, Acting Associate Administrator for FTA's Office of Transit Safety and Oversight, at (202) 366-5010 or Henrika.Buchanan@dot.gov.

Sincerely,

A handwritten signature in blue ink that reads "K. Jane Williams" with a horizontal line extending to the right.

K. Jane Williams
Acting Administrator

cc: Patrice Kelly, Director, Office of Drug and Alcohol Policy and Compliance