Drug & Alcohol Testing
Supervisor Guidelines

Includes FRA Regulations References
49 CFR Parts 40, 219, 225, 240, 382, 383 &
BNSF Policy on Use of Alcohol & Drugs
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DRUG & ALCOHOL TESTING OVERVIEW
OVERVIEW

BNSF is permitted authority to conduct drug and alcohol tests by the Department of Transportation (DOT). The Federal Railroad Administration (FRA) and the Federal Motor Carrier Safety Administration (FMCSA) are two agencies of the DOT that have authority over certain groups of railroad employees. BNSF also performs drug and alcohol testing according to its own policies.

Testing Authorities

Federal authority covers the FRA and FMCSA. Throughout this manual, federal authority will be specified as FRA or FMCSA, as appropriate.

- FRA drug and alcohol regulations apply only to hours of service employees, including train crews, dispatchers, locomotive movers, clerk tower operators, bridge tenders, and signal maintainers.

- FMCSA drug and alcohol regulations apply only to employees who hold active commercial driver’s licenses (CDL).

BNSF authority is governed by BNSF’s own written policies. Every BNSF employee falls under BNSF authority.

All drug or alcohol testing must be performed under FRA, FMCSA or BNSF authority. Only one authority can be used for any given test.

Type of Tests:

BNSF’s drug and alcohol program includes four kinds of tests to include, breath testing for alcohol and urine specimen collections for general drug tests, blood testing for FRA Post Accident and hair testing for pre-employment tests.

Breath alcohol testing is performed by trained Breath Alcohol Technicians, using calibrated evidential breath testing devices (EBT’s). The breath test device measures the breath alcohol content of a person and provides immediate results.

Urine specimens collected for drug testing are split into two containers. The testing laboratory will analyze one sample, and maintain the other in the event an employee requests a retest of the second sample; after a positive, adulterated, or substituted test result. The urine samples are analyzed for controlled substances, specified by the U.S. Department of Health and Human Services. The following drugs are on the panel for DOT authority tests which include cannabinoids (marijuana, hashish, etc.), opiates (heroin), cocaine, amphetamines (speed, D-Methamphetamine) and phencyclidine (PCP). BNSF authority follows the same identified drugs but may expand the panel to include additional controlled substances at any time (see BNSF D&A Policy: Drug Definitions). Normal reporting time for a negative drug test is four days and average seven to ten days for positive, adulterated, and substituted test results.
Blood Specimen Testing is performed for serious train accidents and catastrophic events involving train operations as required by the FRA. FRA Post-Accident Testing requires collection of blood and urine samples. *FRA Post-Accident Testing is the only type of testing performed by BNSF that involves collection of blood specimens.* Breath testing may be performed provided if it does not interfere with the collection of blood and urine; however, it is not required for FRA Post Accident testing.

Hair testing is conducted at the time of hire prior, to placing an employee in a job position. No supervisor involvement is needed for this testing.
**Valid Reasons for Testing**

Listed are valid reasons drug and alcohol testing may be conducted on BNSF. These reasons and procedures are explained in detail in later sections of this manual. Briefly, they are:

- **Pre-Employment**: Prior to placing an employee in a job position.

- **Random**: Randomly selected tests for Hours of Service employees, CDL holders and certain exempt employees. Computer random generated selections.

- **Reasonable Suspicion**: Performed after a trained supervisor has detected specific, observable, articulable signs and symptoms of drug and/or alcohol intoxication. Based on Signs & Symptoms.

- **Reasonable Cause**: Performed after a rules violation, and after accidents/incidents not meeting the criteria for FRA or FMCSA post-accident testing. Causal effect, tangible event.

- **FRA Post-Accident**: Performed on Hours of Service employees after qualifying on-track rail equipment accidents meeting specific testing criteria.

- **FMCSA Post-Accident**: Performed only on surviving CDL holders, after a commercial vehicle accident involving a fatality or when a moving violation citation is issued to the driver.

- **Return to Duty**: Performed on employees that previously tested positive or a drug and/or alcohol violation, prior to their return to work.

- **Follow-up**: Performed after an employee has returned to work after a previous positive, to ensure they remain free from drugs and alcohol. Employees are required to participate in follow-up tests for up to five years after their return to duty from a positive test.

- **Return To Service**: Performed on employees that have been out of service for 6 months or more, prior to their return to work, to ensure that they are free from drugs.
Drug and Alcohol Testing Quick Summary

<table>
<thead>
<tr>
<th>Reason for Testing</th>
<th>FRA (DOT) Authority</th>
<th>FMCSA (DOT) Authority</th>
<th>BNSF Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Employment</td>
<td>Urine Drug</td>
<td>Urine Drug</td>
<td>Urine Drug or Hair Drug</td>
</tr>
<tr>
<td>Random</td>
<td>Urine Drug and Breath Alcohol</td>
<td>Urine Drug and Breath Alcohol</td>
<td>Urine Drug and Breath Alcohol</td>
</tr>
<tr>
<td>Reasonable Suspicion</td>
<td>Urine Drug and/or Breath Alcohol</td>
<td>NONE</td>
<td>Urine Drug and/or Breath Alcohol</td>
</tr>
<tr>
<td>Post Accident</td>
<td>Urine Drug and Blood using FRA Tox Box</td>
<td>OBSERVED Urine Drug, Breath Alcohol</td>
<td>OBSERVED Urine Drug, Breath Alcohol</td>
</tr>
<tr>
<td>Return to Duty</td>
<td>OBSERVED Urine Drug, Breath Alcohol</td>
<td>OBSERVED Urine Drug, Breath Alcohol</td>
<td>NOT Observed Urine Drug, Breath Alcohol</td>
</tr>
<tr>
<td>(after Evaluation / Rehabilitation)</td>
<td>NONE</td>
<td>OBSERVED Urine Drug, Breath Alcohol</td>
<td>Urine Drug</td>
</tr>
</tbody>
</table>

**FRA:** Includes employees assigned to perform service (or in pre-employment is applying for such service) subject to the Hours of Service Act (45 U.S.C. 61-64B).

**FMCSA:** a person who operates a vehicle requiring a commercial driver’s license.
Responsibilities

BNSF’s drug and alcohol program is a company effort, with responsibilities shared among various operating, engineering, mechanical, and support groups. The table below shows a general distribution of responsibilities. Specific detailed responsibilities are provided in later sections of this manual.

<table>
<thead>
<tr>
<th>Title / Organization</th>
<th>Responsibilities</th>
</tr>
</thead>
</table>
| Medical & Environmental Health | - Generate FRA, FMCSA, and Exempt random tests; handle Follow Up Testing  
- Review & track drug and alcohol testing records  
- Notify field of positive test results  
- Issue policies and procedures  
- Design drug and alcohol related training programs  
- Audit drug and alcohol program  
- Maintain FRA Post Accident testing incidents and tox box list  
- Handle government reporting related to drug and alcohol compliance |
| Railroad Officers | - Complete assigned Random and Follow-Up tests  
- Report all missed tests by notifying BNSF Medical at 817- 352-1648  
- Monitor employees for signs and symptoms of abuse  
- Direct employees towards EAP when substance abuse problems seem likely  
- Understand drug and alcohol testing procedures and criteria  
- Remove employees from service after positive tests  
- Hold investigations for employees with positive drug or alcohol test results  
- Complete FRA post-accident tests within the prescribed 4-hour window |
| Employees | - May not possess, be impaired by, or work under the influence of an unauthorized controlled substance or alcohol  
- Hours of Service employees may not use alcohol within four hours of reporting to service  
- Inform Medical care providers / treating physician of full scope of duties when receiving prescription medication  
- May not use any prescription medication or combination of medications unless the medications are: 1) Taken in accordance with a physician’s orders and/or the manufactures directions, and 2) were approved as safe to use by at least one physician who knew all of the medications the employee was taking in light of their job responsibilities, 3) The medications do not have an adverse impact on the employee.  
- Participate and cooperate to complete required drug and alcohol testing  
- Seek assistance from EAP when substance abuse problems seem likely  
- Understand drug and alcohol testing procedures |
| Directors Administration Safety Managers | - Act as key Division contact for drug & alcohol related issues  
- Ensure supervisors are trained in drug and alcohol issues  
- Maintain and update FRA post-accident testing kits  
- Review and update listing of FRA post-accident testing kits |
| Service Interruption Desk | - Provide decision support to field supervisors for FRA Post-Accident testing  
- Report Post-Accident testing decisions to Medical & Environmental Health |
| Employee Assistance Program (EAP) | - Provides assessment and treatment per Federal and/or BNSF policy for those employees found positive  
- Report non-compliant employees to Medical and Environmental Health Department  
- Recommend Fitness for Duty  
- Monitor Follow Up Testing |
Collectors:
The BNSF Medical Department will notify contract collectors in advance of Random and Follow Up tests for planning purposes. Supervisors, collectors and the Medical Dept. will coordinate and plan to ensure that a sufficient number of collectors and collection facilities are available. A general rule of thumb is to provide one bathroom and one collector for every 5 tests. Reporting tests performed is the responsibility of the on-site collector.

In order to provide a better quality of service, BNSF has entered into agreements with: Examination Management Services Inc. (EMSI) to conduct scheduled or planned Random and Follow-Up testing

Quest (Employer Solutions) will conduct non-scheduled Reasonable Cause and Suspicion testing as well as Random CDL, Intermodal, Dispatch, Class III and Fort Worth Corporate Campus Tests.

When a collection is required at a field location, the supervisor scheduling the collection will call:
EMSI at (866) 673-3674 or (888) 634-1011, Option #2 and Option #2 or
Quest (Employer Solutions) at (866) 457-4009 or (888) 634-1011, Option #2 and Option #3.

Please DO NOT call local collectors direct. A collector dispatcher will arrange for the nearest collector to provide the needed services. For tracking purposes, it is important to make all requests for specimen collections through the National Dispatch Center. If a collector is not available or may be excessively delayed, the dispatcher will assist in locating the nearest medical facility that has the ability to perform testing.

Testing Locations

Urine Collection Locations:
A single toilet room preferred. The use of public restrooms and portable toilets without running water are prohibited.

Breath Alcohol Testing Locations:
Must provide visual & aural privacy for testing. Only the employee and the collector may be present in the room during the performance of the actual breath test.

In the event of Collector Unavailability
If this occurs, contact the collector company.

a. If no collector is available from the designated vendor or when a collection may be excessively delayed (no longer than 2 hours for breath), you may contact the alternate collector agency or a collector dispatcher will assist the supervisor in locating the nearest approved Injury Care Provider, clinic or hospital.

b. Contact the medical facility and determine if the medical facility can perform required testing.
c. If no on site collector is available and no medical facility is able to perform testing, only then can an employee be removed from service without the administration of a drug or alcohol test; provided at least one supervisor making the testing determination has been trained in “signs and symptoms” of drug and alcohol use; subject to limitations or mandates imposed by applicable federal statutes.

Supervisors are required to understand Section 3.5 of BNSF Policy on the Use of Alcohol and Drugs, dated April 15, 2009.

Labs:

The following labs are used to process drug tests for BNSF:

- **Quest Diagnostics (Lenexa, KS)** – Processes all drug testing with exception to FRA Post Accident Tests and Pre Employment Hair Tests

- **Quest Diagnostics (Tucker, GA)** – Processes all FRA Post Accident Tests

- **Phychemedics (Culver City, CA)** – Processes all Pre Employment Hair Tests
TEST TYPES
SCHEDULED AND FIELD GENERATED
**DRUG AND ALCOHOL TESTING**

*The Random Selection Process*

The selection process for Random testing ensures that all eligible employees have an equal chance of being selected at every random selection. BNSF’s random drug and alcohol testing software is a combination of database and application software integrated for the purpose of generating and tracking random tests called the *Medical Testing System (MTS)*.

**Random Test Types**

*Site Tests - Hours of Service Road Train Crews*

Road trains are tested using a site selection process. A specific site is selected, as well as a specific start time for the testing. The testing window remains open for four (4) hours from the start time. During the four-hour window, the first inbound crew for termination and first initiating outbound crew are to be tested. BNSF’s approved plan provides:

> “Window opens at selected date and time, remaining open for four hours. During the window, the RR officer will test 1.) the first outbound road crew reporting for covered service during the window, and 2.) the first inbound road crew arriving at final terminal. Arrival at final terminal is defined by yard, station, Terminal, Yard office, lodging facility, or mechanical device; such as an electronic reader. **Testing for outbound train crews will consist of a breath alcohol test only. All inbound train crews will have both urine specimen collections for drug testing and breath alcohol tests.** If only one crew meeting either of these criteria is available, then only one crew will be tested. If no crews are available, the test is canceled. Road train tests cannot be rescheduled to a different date. Road trains include all train designations without a "Y" or yard code designation, including road switchers.”

*Yard Train Tests - Hours of Service Yard Train Crews*

Yard trains are selected by train symbol. BNSF’s approved plan provides:

> “At any time on the test date, the RR officer will test the crew assigned to the selected yard train symbol. The crew includes all train crew members, trainees, switchmen and utility employees assigned to the selected yard train symbol. If no crew is working the train symbol selected on the test date, the test is canceled. Yard train tests cannot be rescheduled to a different date.”

If the test is canceled, the railroad officer will report and explain the reason for the cancellation to BNSF Medical hotline at 817-352-1648. Yard train tests cannot be rescheduled to a different date.
Individual Random Selections

These individual tests will be conducted on the test date selected by the computer. Employees designated for testing will be tested regardless of the activity they are actually performing on the test date. Individual Random Tests may be scheduled in advance (5 days) and up to 5 days after the target test date to accommodate changing work conditions. Employees not working the day of the scheduled test will be tested on their *first day back at work*.

Here are the descriptions of the different test types that are subject to individual random selections:

**Other Hours of Service Employees**

Dispatchers, Signalmen, Hostlers, Mechanical Locomotive movers and other individuals working Hours of Service jobs are selected by craft or position number.

**Commercial Motor Vehicle Drivers (CDL holders)**

FMCSA mandates all employees who currently maintain an active Commercial Drivers License (CDL) with BNSF are subject to random drug and alcohol testing. CDL records are maintained by the Manager DOT Driver Qualifications in Fort Worth, TX (817)867-5708.

**Crew Haulers (Scheduled employees who transport BNSF employees)**

Employees are selected individually, based on Job Title Code. If the person selected is working a Guaranteed Rotating Extra Board (GREB) or Extra Clerk position, that person will be tested as they may be called upon to work as a Clerk Crew Hauler at any time.

**Intermodal Equipment Operators (Scheduled employees who perform duties as Intermodal Equipment Operators)**

Intermodal Equipment Operators include Crane operator, Crane Director, Groundman, Hostler, Leadman, Extra or Guaranteed Rotating Extra Board (GREB) *positions that may be called upon at any time to perform Intermodal duties*. If the person selected is working a Guaranteed Rotating Extra Board (GREB), that person will be tested due to the fact that they may be called upon to work as an Intermodal Equipment Operator at any time.

**Yardmaster**

Positions for Yardmasters that perform hours of service once per quarter have been identified into a single pool. The individual working the position selected is to be tested. Those selected positions that are vacant by assignment, yet being worked by employees or Guaranteed Rotating Extra Board (GREB) jobs will be tested. A test date is specified and the position selected is to be tested at the first opportunity.
Other Scheduled Tests

Return to Duty
This testing is required after verified positive tests, refusals, possession, admission of use or other drug and/or alcohol violations. All Return to Duty tests are scheduled by Medical after an employee has released by the EAP Manager to medical once they have completed their obligation to complete the EAP prescribed treatment program. Employees do not return to work until released by Medical.

Follow-Up Tests
This testing is required after verified positive tests, refusals, possession, admission of use or other drug and/or alcohol violations. Follow-Up Test dates are selected by the Medical Department. Notification is sent to the Supervisors via email indicating test date and type. Tests may be scheduled in advance (5 days) and up to 5 days after the target test date to accommodate changing work conditions.

Return to Service
Return to Service testing is required along with appropriate medical information when an employee returns to active service after six (6) months from furlough, personal leave, military leave, medical leave of absence or unable to work due to an injury. This test consists of a urine drug screen only and is scheduled by the employee’s supervisor. Employees may return to service prior to receiving the drug screen results with exception to tests conducted under Federal Authority. Employees who are tested using Federal Authority must wait for the results to be verified prior to returning to work.

Field Generated Tests

Reasonable Cause
Reasonable Cause testing is performed under BNSF authority and may include a urine drug screen and/or breath-alcohol test as deemed appropriate by management. This testing is scheduled by calling the designated collector agency at the time of the incident.

Reasonable Suspicion
Reasonable Suspicion testing is performed whenever an employee displays observable, articulable signs of drug and/or alcohol use. A supervisor trained in signs and symptoms determines if a urine and/or breath alcohol test is performed. This testing is scheduled by contacting the designated collector agency at the time of the incident.
Post Accident Tests

FMCSA Post Accident Testing

FMCSA Post Accident testing is performed under Federal authority and may include a urine drug screen and/or breath-alcohol test as deemed appropriate by management. The reason for testing must meet specific criteria provided in this manual to qualify. This testing is scheduled by calling the designated collector agency at the time of the incident.

FRA Post Accident Testing

FRA Post Accident testing is performed under Federal authority and requires urine and blood samples for testing. FRA Post Accident testing is performed when an incident or accident involving train operations and hours of service employees meets specific criteria discussed in this manual. This testing is conducted at a medical facility and is coordinated by a representative of the medical department.

Supervisor Responsibilities for Testing

Notification of Test:

Medical to Supervisors - BNSF’s Medical and Environmental Health Department (MEH) will notify responsible BNSF Officers by email when to conduct selected random tests. Notification will be addressed to designated Contact Groups a minimum of 4 days in advance.

Supervisors to Employees - Random testing will be performed on an unannounced basis. At the time of the test, employees identified for testing must be notified of the reason for testing by an Exempt supervisor with no advance notice. Collectors and scheduled employees are restricted from notifying BNSF employees of the requirement to be tested.

Employees may be called in early to accommodate testing, but under no circumstances are they to be notified of a drug or alcohol test prior to coming on duty.

Scheduling Tests:

Supervisors to Collectors - All collections must be scheduled through our two contract vendors:

- EMSI will conduct Random and Follow-Up testing, with the exception of Random Intermodal Equipment Operator tests that will be handled by Quest (ExamOne – Employer Solutions).
- Quest/ExamOne (Employer Solutions) will conduct Reasonable Cause, Reasonable Suspicion, Return to Service testing, and Random testing of Intermodal Equipment Operators, CDL Holders and Class III Random.
EMSI and Quest (ExamOne)
Supervisor must contact EMSI a minimum 48 hours prior to the Random and Follow-Up test with a test date, time, location, contact office phone number, and cell phone number.

Two Methods of Scheduling – electronic and by phone:

- **LINK:** A Scheduling Link or e-mail URL is located on each scheduled test email sent by the Medical Department for Random and Follow Up tests. Tests may be scheduled by completing information required within the **LINK** at least 24 hours before the test. When the test event has been assigned a collector, the appropriate collector agency will contact the supervisor to confirm a collector has been assigned to the test.

- **BY PHONE:**
  
  Call EMSI at (866) 673-3674 or (888) 634-1011, Option #2 and Option #2.
  Call ExamOne at (866) 457-4009 or (888) 634-1011, Option #2 and Option #3.
  Contact the collector agency indicated on the email notification to schedule tests with less than 24 hour notice please call EMSI and a Dispatcher will arrange for the nearest collector to respond.

**Reasonable Cause & Suspicion Tests:**
ExamOne: Supervisors need to call the collector promptly in order to complete Cause or Suspicion testing within 2 hours of testing events.

- **PHONE:** Call Quest at (866) 457-4009 or (888) 634-1011, Option #2 and Option #3.

An ExamOne Dispatcher will arrange for the nearest collector to respond. ExamOne will provide a status update every 15 minutes until the event is covered. Supervisors will be notified by phone; or by email if requested. Please provide required information to set up a test:

<table>
<thead>
<tr>
<th>Supervisor Name</th>
<th>Division</th>
<th>Supervisor Info (cell, office, email)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of Test</td>
<td>Test date and time</td>
<td>Type of Test</td>
</tr>
<tr>
<td>Authority of test</td>
<td>Reason for Testing</td>
<td>Employee (s) to be tested</td>
</tr>
<tr>
<td>Cost Center</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please do not contact local collectors directly. If a collector is not available or may be excessively delayed, each vendor will assist the supervisor in locating the nearest medical facility that offers collection services.

**Canceling Tests:**
Collectors should be notified to cancel tests before the collector arrives on location; by phone or email. Ensure the employee to be tested will be working on the date and time testing is scheduled. A $150.00 donor “no-show” fee will be charged to the responsible supervisor’s Cost Center if the employee is unavailable to be tested. To avoid this fee, EMSI (866-673-3674) must be notified at least 24 hours in advance if problems are encountered with previously scheduled test date and time.
BNSF Drug & Alcohol Testing Program

**E-MAIL:** A Notification Link or e-mail URL is located on each scheduled test sent by Medical. The Link is located on random and follow-up test Notifications, designed to save time and work scheduling tests.

The Link allows supervisors to cancel tests with Medical and the collectors simultaneously using the e-mail delivery system. Data to MEH once approved, is auto loaded into BNSF’s computer application (MTS) saving data entry time and e-mailed to the vendor to close tests.

The supervisor can also use the Link to verify Test Completion with MEH. Use of the link will eliminate the "Are your tests complete?" phone calls from MEH. This is an auditable tool that works for all concerned.

**When to Perform Testing:**

Random testing is to be conducted equally at the beginning, during, and at the end of employee work shifts. Planning by test supervisors must account for Hours of Service and coordinate testing to be completed prior to Hours of Service expiring. *Do not exceed Hours of Service for FRA Random testing*; unless the donor is being tested under observed conditions. Overtime is not an acceptable reason not to complete FMCSA testing.

Whenever practical, a BNSF supervisor should be assigned to assist collectors in random tests. The presence of a supervisor at the random test site is not absolutely required; however, the test supervisor must be available by pager or cell phone to address urgent matters.

**Supervisor Responsibilities:**

- During the collection process the test supervisor is responsible for:
  - Notify employees that testing is required.
  - Ensure the test location is adequate and provides visual and aural privacy.
  - Verify identification of the employee to be tested if the collector is unable to do so by picture I.D. or current signed rules examination card.
  - Approve exclusion from testing due to hours of service expiring or medical/family emergency. A medical emergency is defined as an acute medical condition which requires emergency medical treatment.
  - Manage uncooperative employees.
  - Remove employees from service who test positive for alcohol.
  - Handle refusals - Employees refusing to participate in any federal or BNSF drug and/or alcohol test will be removed from service immediately and disqualified from service for a period of at least nine (9) months (FRA mandatory), and subject to dismissal from service with BNSF. **Important: Do not treat shy bladder as a refusal.**
  - Direct employees to contact Medical at 817-352-1648 if they are unable to provide an adequate urine or breath sample.
  - Supervisors must report all random tests not conducted to Medical at (817) 352-1648 or via email to "drug alcohol" BNSF Intranet, or drug.alcohol@bnsf.com Internet.
Breath alcohol testing is conducted before urine specimen collections. The test supervisor must ensure all employees selected are actually tested. Employees that are not able to provide an adequate specimen or that leave property prior to providing a urine specimen and/or breath sample must be reported to Medical at 817-352-1648.
RETURN TO SERVICE / RETURN TO DUTY TESTING
Return to Service (Drug screen is BNSF Authority – no Breath test)

Return to Service drug testing may be required when an employee returns to active service from furlough, a leave of absence, unable to work due to an injury, etc...but does not include being withheld from service.

If an employee’s absence is due to a medical leave of absence the Return to Work Process for Off Duty Illness or Injury should be followed. Further medical testing may be scheduled based on specific condition. Return to Work Process forms can be found on the BNSF intranet under the ‘Departments/Medical’ tab.

Below is a chart of the guidelines for scheduling Return to Service testing:

- **0 to 1 Month**: No Drug Test Needed
- **1 to 6 Months**: No drug test needed unless directed by the BNSF Medical Department (MEH).
- **6 Months to 1 Year**: Drug Screen Required
  - Supervisors must schedule a urine drug screen to be conducted on property by contacting designated vendor.
  - *RTS tests for employees holding CDL certifications will be DOT authority.*
- **1 Year or More**: Drug Screen and Physical Exam Required

Most Return to Service drug screens are conducted under BNSF or company authority. Once a BNSF authority drug screen is completed the employee is able to return to work.

* Employees who have a Return to Service test that is completed under Federal Authority will not be allowed to work pending the receipt of the test results. To obtain these results you may contact the Medical Department at (817) 352-1648. Please allow 2-3 days from the date of the test before requesting the results to allow for processing time.
1.5 Return to Duty Testing *(Conducted after drug/alcohol violations)*

Return to Duty testing is required after verified positive tests, refusals, possession, admission of use, or other drug and/or alcohol violations. Testing is conducted while employee is not performing active service. *Prior to returning to duty*, an employee must have an acceptable drug test result and/or an alcohol test with an alcohol concentration of less than 0.02%.

- **Testing Scheduled by Medical** after the employee has completed their obligation to complete the EAP prescribed treatment program and after being released by the EAP Manager to MEH.
- After acceptable test results have been verified, MEH will issue a Return to Duty (RTD) letter which provides requirements the employee must follow. After the employee signs the RTD letter, they will be released by MEH to the Supervisor via a faxed Fitness for Duty Recommendation form (FDR).
- After employee is released to work, they are subject to Follow Up testing for drugs and/or alcohol for a period up to 60 months.

Follow Up Testing *(Conducted after Return to Duty testing)*

Follow Up testing is conducted on employees following a positive test or any other drug and/or alcohol violation, after being released by the Employee Assistance Manager through the Medical Department. This testing is determined by a Substance Abuse Professional (SAP) for tests that fall under Federal Authority (FRA/FMCSA) and by the EAP Manager for company (BNSF) authority tests.

Notification is issued to the Supervisor from the MTS system when a Follow Up test is required. Employees who are subject to Follow Up testing must be tested a minimum of 6 times within the first 12 months of their return to duty. Employees may be subject to Follow Up testing for up to 5 years.

The type of testing conducted in Follow Up testing is determined by the SAP which may include a urine drug screen, breath alcohol test or both. The authority and type of test is included on the notification that is sent to the supervisor via email. The authority of the test is determined by the authority of the original test.

Follow Up tests have no time limit or expiration and can be scheduled before or after the target date listed on the notification. Follow Up tests must be performed and are not canceled unless the employee is out of service for over 3 weeks. At that time, medical must be notified and the test will be rescheduled if needed.

**Direct Observation** is required for federal authority Follow Up urine drug screens. Please see the Direct Observation description for more details.

*Follow Up testing can also be conducted as recommended by a BNSF Medical Director. Non-regulated Follow Up testing may be recommended by EAP and approved by the Medical Director to serve as a deterrent of substance abuse.*
REASONABLE CAUSE
REASONABLE SUSPICION
**Reasonable Suspicion Events**

*Making the Determination to Test - Reasonable Suspicion Events*

Reasonable Suspicion testing is conducted when an employee displays observable, articulable signs of drug and/or alcohol intoxication.

- Testing should be conducted within 2 hours of the event whenever practical. After two hours, a written record should be maintained why the test could not be administered.

- The type of test (*alcohol and/or drugs*) is determined by the supervisor utilizing the training and knowledge of signs and symptoms of drug and alcohol use. A urine drug screen and/or breath alcohol test is completed based on any signs and symptoms that are observed and recorded. **All positive breath alcohol tests require a urine drug screen.**

- Testing Authority:
  - On-Duty Hours of Service employees – Federal (FRA)
  - On-Duty CDL Holders – Federal (FMCSA)
  - All other employees - BNSF

**Suspected Drug Use:** Observations must be made by at least two supervisors, one of whom is trained in signs and symptoms. If Signs and Symptoms are observed a Breath Alcohol and Urine Drug Test should be conducted.

**Suspected Alcohol Use:** Observations must be made by at least one supervisor, trained in signs and symptoms. If Signs and Symptoms are observed a Breath Alcohol Test should be conducted.

Employees tested for drugs using reasonable suspicion procedures will be removed from service under medical authority pending receipt of the results.

Employees who test positive for drugs or alcohol will be removed from service for violation of Rule 1.5 and referred to the Employee Assistance Program if it is their first positive in ten years. Upon first knowledge, the employee is withheld from service pending the results of an Investigation, per the applicable covered service agreement. *See Guidelines for Removal from Service.*

**Documenting Reasonable Suspicion Events**

The trained railroad Officer is required to document specific observations concerning the appearance, behavior, speech, or body odors of the employee exhibiting Signs and Symptoms of alcohol and/or drug use. Documenting why the test is being done is a federal requirement, as well as best practice. All Reasonable Suspicion tests are audited to ensure the reason for testing is valid and the supervisor making the determination has been trained to recognize substance abuse in the workplace.
Supervisors are asked to provide a written account of the event to the Medical Department to include observed signs and symptoms of drugs and/or alcohol use as well as the handling of the event to include details of the interview with the employee and testing.

**Reasonable Suspicion Event List**

- **Odor of controlled substance**
- **Odor of Alcohol**
- **Unusually talkative**
- **Slurred / distorted speech**

**Admission of Use**
- For Federal Authority test, must also display Signs & Symptoms
- **Dilated pupils (large)**
- **Bloodshot eyes (redness)**
- **Constricted pupils (pinpoint)**
- **Blank stare appearance (glassy eyed)**

**Possession of Paraphernalia**

**Possession of Controlled Substances**

**Abnormal Eye Conditions**
- Deterioration of physical appearance and/or grooming
- Impaired performance on the job
- Frequent trips to storage rooms, closets, restrooms, etc.

**Behavioral Characteristics (BNSF Authority Only)**
- Aggressive, taking risks
- Loss of coordination
- Staggering gait
- Short attention span
- Argumentative, belligerent (irritable)
- Extremely nervous, very moody

**Abnormal Actions**

**Abnormal Speech**
- Unusually talkative
- Slurred / distorted speech

**Identifiable Odor**
Collector Unavailability

If an on-site collector is not available, the Supervisor shall coordinate with the collector dispatch office to locate the nearest medical facility for drug and alcohol testing. If testing is not able to be performed using an on-site collector or by a medical facility, the BNSF Officer shall prepare and maintain on file a record stating the reasons why the test was not properly administered.

Supervisors must report all tests conducted where an on-site collector is not utilized by contacting Medical at (817) 352-1648.

Invoking BNSF Policy Section 3.5

Supervisors should engage Section 3.5 of the BNSF Policy on use of Alcohol and Drugs as needed.

BNSF reserves the right to verify a violation of this policy without the administration of drug and/or alcohol tests based on admission of substance use and/or documented observations made by railroad officers trained in “signs and symptoms” of drug and alcohol use, subject to applicable law.

A supervisor, in conjunction with the Medical Department may remove an employee from service based on displaying signs and symptoms of alcohol and/or substance abuse, without the administration of a breath and/or urine drug test. Section 3.5 of the BNSF Policy may be in enforced in the event of a medical facility or on-site forensic collector being unavailable to complete these tests due to, inclement weather, faulty equipment or remoteness of location.
REASONABLE CAUSE

Testing for Reasonable Cause may be conducted if the employee has been involved in an accident, incident, or Rules violation and the supervisor of the employee has a reasonable belief based on specific, articulate facts that the employees acts or omissions contributed to the occurrence or severity of the accident, incident, or Rules violation.

Each test performed must have a valid basis for taking place, in accordance with company policy. Once the determination has been made, testing should be conducted at the first practical opportunity.

- Testing should be conducted within 2 hours of the event, whenever practical. After two hours, maintain a written record why the test could not be administered.
- In all cases, testing shall be completed within eight (8) hours of the accident/incident.
- Use the nearest location whenever practical. Do not delay testing for an extended period of time transporting employees. If waiting for an onsite collector creates a significant delay (over 2 hours) a clinic or hospital should be used.

When a motor vehicle accident occurs with a single driver, no witnesses and there is no physical evidence other than a damaged vehicle, Reasonable Cause testing is normally conducted to remove the doubt D&A is involved. **If there is evidence such as hair, animal blood or other animal evidence, testing is not conducted.**

If a vehicle is stopped and damage occurs that is not the result of operator error, Reasonable Cause testing is not performed. Corroboration from a law enforcement officer is extremely valuable in making this determination quickly. If the evidence indicates no traffic laws or company rules were violated, testing is not conducted.

*Testing Exempt Employees: Exempt drivers of BNSF or company rental vehicles will be tested for all vehicle incidents – No Exceptions.*
Exceeding Hours of Service:

Managers shall make an effort to conduct drug and/or alcohol testing without exceeding Hours of Service. Employees may be held past Hours of Service for reportable operating rules violations provided:

- A reasonable effort has been made to conduct testing in a timely manner.
  
  **Example:** employees to be tested should not continue to work throughout the duty period after the incident and testing conducted toward the end of shift; rather, the onsite collector should be called at 866-457-4009 and a test scheduled at the first opportunity.

- The testing process has begun and is being delayed due to employee(s) not being able to void or provide an adequate breath test.

Changing Reasonable Cause to Reasonable Suspicion:

After interviewing an employee(s) if the supervisor believes controlled substances or alcohol is involved, a change in the test type is required from Reasonable Cause to Reasonable Suspicion.

**Example:** A run through switch in the yard is investigated by a Trainmaster. The Trainmaster interviews the yard crew to determine whether or not a causal relationship exists that would warrant testing the crew for Reasonable Cause. While interviewing the Engineer, the Trainmaster detects the odor of alcohol on the Engineer’s breath. The test then changes to a federally mandated Reasonable Suspicion Test because the employee is covered under Hours of Service, performing a covered service function, and has displayed Signs and Symptoms of alcohol use.

When testing for Reasonable Cause, and Signs and Symptoms of substance abuse exist, the test type for the individual(s) changes to Reasonable Suspicion:

- Testing authority will change for CDL Drivers actually operating a vehicle or machinery that requires a CDL to FMCSA.
- Testing authority for employees performing, about to perform, or just completing Hours of Service will change from BNSF to FRA.
Reasonable Cause testing is performed under BNSF authority.

**Reasons for Testing**

- Operating Rule Violations (219.301b):
  - Train order
  - Track Warrant
  - Timetable
  - Signal Indication
  - Special Instructions
  - Directions for Movement, train handling
  - Occupancy w/out Authority
  - Failure to Clear Track
  - Red/Restrictive Signal
  - Moving Across RR Xing w/out authority
  - Failure to Protect, Blue Flag
  - Speeding
  - Failure to Stop short of Derail
  - Run thru Switches,
  - Aligning SW Improperly
  - Failure to Secure Hand Brake

- Non-Operating Rule Violations:
  - Vehicle Accidents, not FMCSA Post Accident
  - BNSF Rules Violations
  - Personal Injuries

- Operating At Risk Behaviors:
  - Getting on and off moving equipment
  - Going between couple cars or locomotives without proper protection
  - Failing to provide a minimum separation of 50 feet between cars or locomotives before crossing between equipment
  - Riding the end of a freight car
  - Fouling adjacent track before ensuring that there is no movement
  - Running while switching
  - Riding freight cars to a joint
  - Handling cars ahead of engines

**Mechanical Safety Absolutes:**
- Blue Signal Protection
- Lockout/Tagout
- Jacking Equipment
- Vehicle Operations
- Crane Operations and Rigging
- Locomotive/Car Movement
- Fall Protection

**Engineering Critical Decisions:**
- Track occupancy requirements must be met for people and equipment
- Proper application of lockout/tag-out must be met
- Fall Protection requirements must be met
- Operate boomed equipment properly to ensure the safety of the operator, other people, and the load
- Main track switches must be left in the proper position after operation
FRA & FMCSA POST ACCIDENT TESTING
FRA POST-ACCIDENT TESTING

Making the Proper Decision to Test
After an on track accident/incident involving on-track equipment that results in damage, injuries, fatalities, or a hazardous material release - a decision must be made by BNSF management responsible for train operations whether the event qualifies for mandatory FRA Post Accident testing. MEH staff is on call at all times to help guide and support the Division with the decision making process for all potential FRA qualifying events. The final decision whether the event qualifies for FRA Post Accident testing rests with the field officer.

Contact Numbers for Medical
The BNSF Medical team will provide 24/7 assistance to ensure compliance with Post Accident testing.

Normal business hours (Monday thru Friday – 8:00 to 5:00 PM CT) call:
1. Medical Department Hotline – (817) 352-1648

After normal business hours and on weekends and holidays call:
1. On-Duty Medical Responder - (817) 352-1613
2. Martin Crespin (Blackberry) - (817) 296-3656
3. Chris Kowalkowski (Blackberry) - (682) 429-6102

Exceptions to FRA Post Accident Testing 219.201 (b)
In deciding whether an accident or incident meets Post Accident testing criteria, one of the first steps is to determine whether or not the incident can be excluded.

FRA Post-Accident Testing is not required if ANY of the following conditions are met:
• Highway-rail grade crossing collisions
• Accidents / Incidents in which the cause and severity are wholly attributable to natural Cause such as flood, tornado, natural disaster
• Vandalism, trespasser(s), or sabotage; as determined by the responding railroad representative

Determining Who Gets Tested and When Is Testing Required
✔ All train crews directly involved in the incident
✔ Surviving employees covered by the Hours of Service Act shall be tested within 4 hours of the accident or incident
✔ On Duty RR employees and HOS Contractors killed in qualifying events should be tested (for Contractors see page 21)
✔ Under no circumstances are surviving non-hours-service employees subject to FRA Post Accident tests.

Contractors 219.203 (4)
FRA requires Post-Mortem testing of HOS Contractors killed on BNSF property as a result of train operations and prohibits federal testing of Surviving Contractors.
Contractor Fatalities:
Train Operations
✓ Contractors performing covered service killed in train accidents/incidents must be tested using FRA Post-Accident authority.

Non-Train Operations
✓ Contractors not covered by hours of service are excluded from FRA Post-Mortem testing.

Contractor Survivors:
BNSF Officers are not allowed to test surviving Contractors for any reason under BNSF or federal authority. It is the responsibility of the Contractors management to schedule and conduct drug and alcohol testing of Contractors.

Recalling Employees for Testing 219.203 (b)
Once the determination has been made the accident/incident qualifies for FRA Post Accident testing the supervisor must inform the proper covered service employees of the requirement to participate in blood and urine specimen collections. Employees must be informed of the requirement to be tested before being released from duty.

Employees may not be recalled for testing if they have been released from duty under normal procedures.
Employees SHALL be immediately recalled if ALL the following apply:
- Accident / Incident occurred during employee’s tour of duty
- Investigation indicates employee may have a role in cause or severity
- Employee went off duty prior to being notified by a supervisor the requirement to be tested.

May be recalled if they left without being released (AWOL).

DO NOT Recall an employee if the accident or incident was NOT Human Error.

Good Faith Determination 219.201 (c)
The Railroad Officer responding to the scene (with no direct involvement in the accident) makes a Good Faith Determination if the track accident or incident qualifies for FRA Post Accident Testing.

In order to complete testing within the required 4-hour window for HOS survivors, the determination should realistically be made in an hour or less. The Service Interruption Desk (SID (817) 234-6164) can provide guidance making the determination. The final decision rests with the field officer.
Damage information is required to make a Good Faith Determination:

- Car and locomotive damage. Use actual value of the equipment. *Does not include the cost of lading (contents of cars) or trailers mounted on top of cars.*
- Damage to track, track structure, bridges tunnels, roadbed, including labor costs and all other costs for repair or replacement in kind.
- Damages to signals, signal bungalows, and signal equipment.

**Example:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cars &amp; Locomotives</td>
<td>$</td>
</tr>
<tr>
<td>Track &amp; Bridges</td>
<td>$</td>
</tr>
<tr>
<td>Signal Equipment</td>
<td>$</td>
</tr>
<tr>
<td>FRA Post Accident Damage Estimate</td>
<td>$</td>
</tr>
</tbody>
</table>

**Good Faith Determination 219.201 (c) continued**

**New Definition:** FRA has provided (May 2003) a revised definition of what qualifies as a car:

A **CAR** is any unit of on-track equipment designed to be hauled by locomotives, or any unit of on-track work equipment such as a track motorcar, hi-rail vehicle, push car, crane, or ballast tamping machine. *This includes all hi-rail vehicles and on-track repair equipment.*

The Railroad Officer also takes into account available information for Haz-Mat releases, evacuations, reportable injuries, and fatalities. Once the damage estimates and other qualifying information are known, a Good Faith Determination may be made.
Time Delay 219.203 (b)

It is critical BNSF provide a Good Faith Determination in a timely manner to allow surviving HOS employees to arrive at medical facilities for testing to be completed within 4 hours of the accident. If testing is not completed with 4 hours of the event, a written report must be made detailing the reasons/events why testing was delayed. Unacceptable delay in completing testing will result in “Willful Neglect” violations.
FRA Post-Accident Testing

Events: Criteria for Testing

MAJOR

Major Train Accident

219.5
219.201 (a) (1)

Any train accident (i.e., rail equipment or rolling stock) involving damage in excess of the reporting threshold ($9,500 in 2012) that involves one or more of the following:

✓ A fatality to any person, including a fatality to an on-duty employee that dies within 12 hours

✓ Release of HazMat combined with an evacuation or reportable injury from the HazMat material. Evacuation can be either mandatory or voluntary.

✓ Damage of $1,000,000 or more (stand-alone damage)

Definitions

Train means a locomotive, or more than one locomotive coupled, with or without cars.

Train Accident means a passenger, freight, or work train accident described in 225.19(c) a “rail equipment accident” involving damage in excess of the current reporting threshold ($9,500 in 2012), including an accident involving switching movement.

Reportable Injury means an injury reportable under part 225 from the hazardous material release from: fire, explosion, inhalation, or skin contact with the material.

Railroad Property Damage refers to damage including railroad locomotives, cars, self-propelled rail grinders, signals, track, track structures, bridges, tunnels, or roadbed, including all costs for repair or replacement in kind. (225.21)

Who Gets Tested

✓ Test all crew members of all involved trains.

✓ Test operator, dispatcher, signal maintainer or other covered employee directly and contemporaneously involved.

✓ Such employees shall specifically include each and every operating employee assigned as a crew member of any train involved in the accident.
FRA Post-Accident Testing

Events: Criteria for Testing

IMPACT

A train accident involving damage meeting the reporting threshold ($9,500 in 2012) resulting in:

✓ A Reportable Injury, or
✓ Damage to Railroad Property of $150,000 with no injuries

Impact means a train accident involving a head-on collision, a rear-end collision, a side collision, (including a collision at a railroad crossing at grade), a switching collision, or impact with a deliberately placed obstruction such as a bumping post. Further, a collision between two pieces of on-track rail equipment (cars, locomotives, trains); including on-track hi-rail vehicles or on-track maintenance equipment where hi-rail wheels are engaged and on the rail.

Impact accidents are limited to those under one million dollars in damage. Impact Accidents that meet or exceed one million dollars in damage have met the criteria for the more serious testing category “Major Post Accident” which may require testing all crew members involved (for example - test both train crews if two trains are involved).

Definition

The following are not Impact Accidents:

☐ An accident in which the derailment of equipment caused by mechanical or track structure failure causes an impact with other rail equipment.

☐ Impact of rail equipment with obstructions such as fallen trees, rock or snow slides, livestock, etc.

☐ Raking collisions (lading) caused by derailment of rolling stock or operation of equipment in violation of clearance limitations.

The difference between a raking collision and a side collision: For raking the event needs to occur on adjacent track and cannot take place at a switch or a turnout. For a side collision or side-swipe the event usually occurs at a switch or a turnout, due to close clearance. FRA definitions provided below:

RAKING COLLISION: A collision between parts or lading of a consist on an adjacent track, or with a structure such as a bridge (not at a switch or turnout).

SIDE COLLISION: A collision at a turnout where one consist strikes the side of another consist (e.g., train operates out of a siding and strikes train on main track).

Who Gets Tested

219.203

✓ Test all crew members of all involved trains with the exception of any employee, where a determination has been made, that the employee had no role in cause or severity of the accident.

✓ Test operator, dispatcher, signal maintainer or other covered employee directly and contemporaneously involved.
FRA Post-Accident Testing

Events: Criteria for Testing

FATAL

**Fatal Train Incident**

219.5
219.201

An event involving the movement of railroad on track equipment that results in a casualty to an on duty employee and specific Contractors killed in qualifying events should be tested, in which the railroad property damage does NOT exceed the reporting threshold.

*(For Contractors see page 21)*

- Fatality to any on duty railroad employee or specific Contractor that dies within 12 hours of the accident or incident (includes HOS and non-covered service employees).
- Involving the movement of on track equipment.
- Railroad property damage does not exceed the current damage threshold (only one with no damage requirement).

**Role of the Testing Officer**

219.11 (f)

Provide the appropriate local authority such as a coroner or medical examiner with a fatality Tox Box and request they comply with the requirements outlined in "Providing Oversight to Collection Process"

- Complete Accident Information form 6180.73
- Review collector completion of Post-Mortem Chain of Custody form 6180.75
- Oversee packing & sealing the Tox Box
- Shipment of the post-mortem specimens to NWT. If the local medical authority has overnight mail service available, request they overnight ship the samples.

**Who Gets Tested**

Test crew members of ALL trains involved and any other HOS employees that had a possible role in the cause or severity of the accident. ALSO, test the deceased if an on-duty railroad employee.

**Fine Points**

Two Types of fatalities that quality for FRA Post Accident Testing: Major Train Accident and Fatal Train Incident. The difference between the two is the damage threshold and specifically which employees are tested (219.11(a) & Appendix C):

- Following a Major Train Accident, all surviving covered employees of the railroad directly involved in the accident are tested.
- Following a Fatal Train Incident all surviving covered employees of the railroad directly involved in the incident are tested; excluding those employees that had no role in the cause or severity of the accident.
FRA Post-Accident Testing

Events: Criteria for Testing

**PASSENGER**

**Passenger Train Accident**

- 219.5
- 219.201
- 219.203 f

The role of the BNSF Officer is to ensure the passenger train carrier responsible (Amtrak Suburban Services) conduct required testing. Train crew members should be tested by their employer (Shortline RR, Amtrak, UP, Metro Link…). Should the other rail entity request our assistance to provide Tox Boxes and/or oversee the testing process, BNSF should accommodate reasonable requests.

- ✔ Reportable injury in a train accident involving a passenger train (including passenger, employee or bystander)
- ✔ Damage in excess of the current reporting threshold ($9,500 in 2012)
- ✔ Shall exclude employees who had no role in cause or severity

**Definition**

A train transporting persons (other than railroad employees, contractors, or persons riding equipment to observe or monitor railroad operations) in intercity passenger service, commuter or other short-haul service, or for excursion or recreational purposes (revenue train).

**Who Gets Tested**

- ✔ Test all crew members of all involved trains, except employee shall be excluded if it can be immediately determined the employee had no role in cause or severity of the accident.
- ✔ Test operator, dispatcher, signal maintainer or other covered employee directly and contemporaneously involved.
FRA Post-Accident Testing Process

Following a qualifying event, BNSF shall ensure all surviving covered hours of service employees directly involved in the accident undergo FRA Post Accident testing. If an employee is fatally injured or dies from injuries within 12 hours of the qualifying accident/incident post-mortem testing is required.

Two distinct types of Tox Boxes have been provided to collect specimens for FRA Post Accident testing. Details for handling blood and urine collections for survivors and post-mortem harvesting of samples for fatalities involved in FRA Post Accident testing are as follows:

Fatalities
When an on-duty employee or specified Contractor is fatally injured or dies from injuries within 12 hours of an accident/incident, bodily fluids and/or tissue samples shall be collected from the remains of the employee for testing.

Locate an available "Fatality" Tox Box
The RR Officer shall locate a Fatality Tox Box for delivery to the Medical Examiner/Coroner office by the quickest available means. Two fatality Tox Boxes have been assigned each Division. If unable to locate a fatality Tox Box, contact a member of the Medical Team and request their assistance. In addition, all Divisions and SID have been provided a current listing of Fatality Tox Boxes, individuals responsible for Tox Boxes, and their contact phone numbers.

The Fatality Tox Box looks similar to Survivor or white Tox Boxes; but is light blue in color and has the word FATALITY printed twice on the top of it.

Determine where the employee remains are located
Contact the Railroad Officer in charge of the accident to determine where the employee remains have been transported. If the Railroad Officer in charge does not know, contact the local law enforcement agency for the location and phone number of the Medical Examiner/Coroner to determine where the remains of the employee may have been transported.

Contact the Coroner or Medical Examiner
Immediately contact the appropriate Coroner or Medical Examiner and request their assistance obtaining samples. Inform them a serious train accident has occurred, and that federal law requires BNSF conduct post-mortem testing of a deceased employee. Advise the Coroner/Medical Examiner that 'the railroad' will provide a self-contained post-mortem collection kit, which includes all necessary forms (Fatality Tox Box).

Post-mortem collections are normally conducted during an autopsy. If specimen collections cannot be completed immediately, request the remains not be embalmed.

If the Medical Examiner/Coroner refuses or is unable to collect samples as outlined, the FRA must be contacted through the National Response Center at (800) 424-8802. Call the NRC and provide a clear report of the problem obtaining post-mortem samples. If necessary, the FRA will have subpoenas issued to the collector to provide body fluids and tissue samples.
Collection of samples for Fatality

- Provide the name and SSN or employee ID of the fatality to the Medical Examiner/coroner.
- Open the fatality Tox Box and provide the Medical Examiner/coroner with the pamphlet "Instruction for the Collection of Specimens" and ask the Medical Examiner/coroner to read the instructions and if they have any questions to contact BNSF Medical and Environmental Health (MEH) Department.

Complete F6180.73 Accident Information (Form 73)

While the samples are being collected, the Testing Officer completes the F6180.73 Accident Information. When complete, contact BNSF Medical (817-352-1648 business hours, 817-352-1613 after hours) to verify accuracy.

Complete F6180.753 Post Mortem Chain of Custody (Form 75)

The medical examiner, coroner, or pathologist who collects blood, urine, and tissue specimens from the deceased railroad employee completes form 6180.75. When complete, contact BNSF Medical (817-352-1648 business hours, 817-352-1613 after hours) to verify accuracy.

Review Completed Paperwork with BNSF Medical Department

Fax clean copy of the top page of each completed form (Form 74 & Form 75) to BNSF Medical at (817) 352-7269.

Shipping Tox Box to BNSF Designated Lab

The Testing Officer is responsible for shipment of samples to Quest Lab. Once the supervisor has determined that the medical facility has overnight mail service, the supervisor will request the medical facility ship the Tox Box to Quest Lab.

*If the medical facility does not have overnight mail service*, the supervisor will request the medical facility maintain possession of the Tox Box until arrangements can be made for an overnight courier. The Testing Officer is then responsible for contacting an overnight courier to arrange the pick up of the Tox Box (s) and will record the Tox Box and tracking numbers, which are then, supplied the BNSF Medical Department Representative.
Testing Survivors

Collection Site Requirements 219.5, 219.203 (c)

Transport employees to an independent medical facility (clinic or hospital) for arrival within 4 hours from the time the accident. On site collectors are prohibited from conducting FRA Post Accident Testing.

- Whenever possible, medical facilities shall be pre-designated. Testing facilities shall be in reasonable proximity to railroad operations, and should be contacted before they are needed to ensure their willingness and ability to conduct sample collections.

- EMSI (866) 673-3674 or ExamOne (866) 457-4009 may assist with locating qualified clinics and hospitals.

Once a medical facility has been located, call ahead to the facility and inform them that a serious train accident has occurred, and that federal law requires BNSF conduct a specialized test within four (4) hours of the incident. Ask if they have a laboratory technician or other on-call employee that can perform blood and urine collections. Inform them how many employees will be tested. **Should the medical facility not cooperate, contact a member of BNSF MEH Department to assist.**

Provide Oversight to the Collection Process – Testing Survivors

The BNSF Officer assigned to oversee FRA Post-Accident Testing must be familiar with testing requirements. These duties include transporting crew members to the medical facility within 4 hours of the accident, having current Tox Boxes available for use, and oversight of the collection process:

Request the Collection Facility Representative Review the Collection Instructions

The RR officer shall provide a brief explanation to the medical staff or Medical Examiner/coroner, the collection of samples is required by the Federal Railroad Administration.

The testing supervisor will remove the instructions located in the plastic zip lock baggie from the Tox Box, and provide them to the medical staff for use as a resource and tool during the testing process. The medical staff should be directed to read the instructions and verify they have a clear understanding. Any questions from the collectors should be directed to the Medical Department by phone or page. Record the date, time, and name of medical person provided testing instructions.

Present the Tox Box to the medical staff. **To prevent delays at the medical facility** it is highly recommended that the “Attachment A” Memorandum from the DOT, which is located in the packet be given to the medical staff. This memorandum, dated September 28, 2001, is directed to Medical Collection Facility (hospital or clinic) where specimens will be collected and requests the collection facility to provide assistance as soon as possible. *(See example of memo on page 38)*
Instructions to Donors and BNSF Officers

The printed instructions from the packet should be provided to each donor and the request made that they read the instructions in their entirety. The employees should be notified that they are required to provide blood and urine samples for FRA Post Accident testing. **Proper notification requires a BNSF Officer personally provide notification to an employee of the requirement to be tested.** The BNSF Officer shall read and follow the printed instructions labeled “Railroad Representative”.

**Employee Injuries 219.203 (c)**

If employees are injured, a request should be made of the treating facility to obtain the samples. If an injured employee is unconscious and the medical facility declines to obtain blood samples - the railroad shall immediately notify the duty officer at the National Response Center (NRC) at 800-424-8802, and the FRA at 202-493-6313. This does not limit the discretion of physician to determine when and/or if drawing blood may be life threatening.

- For an unresponsive patient, only a blood sample is required. *Taking of urine by catheter is not requested nor authorized by implied consent.* If the employee is catheterized for medical purposes, a urine sample may be requested for testing, provided the circumstances are fully documented and the specimen is handled in accordance with applicable requirements.

**Confirm the Identity of Employees**

The Testing Officer may be required to confirm the identity of employees to be tested if employees do not have a picture ID.

**Monitor Progress of Collection Process**

The on location medical staff will take charge of the employees to collect urine and blood samples. The medical staff should to complete form F6180.74 Blood/Urine Chain of Custody forms as the collections are taking place. Once the samples are obtained they should be marked, and sealed into the provided FRA containers by qualified medical personnel only.

**Obtain Clear Copies of Documents**

The Testing Officer must obtain clear copies of forms 73 and 74 when they are complete and fax to the On Duty Medical Representative at 817-352-7505. These forms have several carbon copies - Do Not separate before faxing to medical. **Note - completed paperwork (Forms 73 & 74) are placed in the plastic bag, not in the individual kits.**

**Complete F6180.73 Accident Information (Form 73)**

While the samples are being collected, the RR Officer completes the F6180.73 Accident Information. When complete, contact BNSF Medical (817-352-1648 business hours, 817-352-1613 after hours) to verify accuracy.
BNSF Drug & Alcohol Testing Program

Review Collector Completion of Urine/Blood Chain of Custody Form 6180.74

After specimen collection is completed, the Testing Officers will review the Chain of Custody forms (74). This is done to ensure that all sections of the forms are filled in correctly.

*Be sure to pay special attention to the following items: SSN or Employee Number of the donor, employee name, employee and collector signatures, and medications (Step 6).*

When complete, contact BNSF Medical (817-352-1648 business hours, 817-352-1613 after hours) to verify accuracy. Fax a clean copy of the top page of each completed form (Form 73 & Form 74) to (817) 352-7269. This *must* be done prior to packing the samples and forms into the Tox Box for shipment.

**Shipping Tox Box to BNSF Designated Lab**

The Testing Officer is responsible for shipment of samples to Quest Lab. Once the supervisor has determined that the medical facility has overnight mail service, the supervisor will request the medical facility ship the Tox Box to Quest Lab.

*If the medical facility does not have overnight mail service,* the supervisor will request the medical facility maintain possession of the Tox Box until arrangements can be made for an overnight courier. The Testing Officer is then responsible for contacting an overnight courier to arrange the pick up of the Tox Box (s) and will record the Tox Box and tracking numbers, which are then, supplied the BNSF Medical Department Representative.
Memorandum

U.S. Department of Transportation
Federal Railroad Administration

Date: September 28, 2001

Subject: Collection of Federal Railroad Administration (FRA) Post-Accident Toxicological Specimens

From: Lamar Allen
Drug and Alcohol Program Manager

To: Medical Collection Facility

This Memorandum is provided to you in addition to the “Instructions for Collection Facility” document that the railroad is required to provide your personnel responsible for collecting blood and urine specimens from railroad employees following qualifying accidents.

Timeliness of the collection is of the essence as valuable evidence could be lost if the collections are delayed. This evidence could provide the Federal Railroad Administration (FRA) with valuable insight into the probable cause of the qualifying accident or incident. Life saving safety policy is dependent on the credibility of this information.

Please make every attempt to collect the blood and urine specimens as soon as possible and in compliance with the supplied instructions. Thank you for this consideration.

#
Reporting the FRA Post Accident Test

To Medical:
Obtain a clear copy of all forms and fax to MEH Department at (817) 352-7505 after test completion.
Call 817-352-1648 and provide details of the qualifying event.

To the FRA:
Call and verify that SID (817-234-6164) called the National Response Center and made a report. The NRC relays Track Incident information to the FRA. If the SID has not contacted the NRC, then the Testing Supervisor is required to notify the FRA of the incident.

To report FRA Post Accidents: Call both the National Response Center at (800) 424-8802 and the FRA at 202-493-6313. An answering machine may pick up. If so, leave the following information:

1. Name of railroad (BNSF)  
2. Supervisor name, title, phone number  
3. Time, date, & location of accident / incident  
4. Brief summary of the accident / incident  
5. Total number employees tested, including names and occupations
Local Law Enforcement Agencies and Grade Crossing Accidents

What is the authority of local police to administer alcohol and drug tests to rail employees after train accidents?

The FRA has specifically determined that in the absence of reasonable suspicion that a particular individual is impaired (based on appearance or behavior), train crews should not be required to submit to testing in connection with the collision of a train and a motor vehicle or other highway conveyance at a rail/highway grade crossing 49 CFR 219.201 (b).


- FRA’s alcohol and drug testing regulations DO NOT pre-empt provisions of state criminal law that may require drug and alcohol testing after highway-rail crossing accidents (or other train accidents) if such provisions impose sanctions for reckless conduct that actually leads to loss of life, injury, or damage to property.

- Any testing done by the state should not be allowed to interfere with testing required under FRA’s rule 219.13.

Guidelines for Highway / Rail Grade Crossing Accidents

Supervisors and employees are advised to fully cooperate with the police, sheriff, coroner etc. following a trespasser or grade crossing incident. However, when it comes to UA and/or BAT by the investigating agency(s) the following protocol is recommended:

1. Explain that a Train is not a motor vehicle so the Laws that apply to the investigation of a motor vehicle/trespasser do not apply to a Train/Trespasser incident. Railroad train operations are governed and regulated by Federal Laws (DOT, FRA) which preempt State Laws. Normally the BNSF Special Agent assists at the incident scene early in this discussion when the investigation agency(s) request/demand that our employees undergo BAT/UA as part of their investigation. Resource protection personnel are well versed on this matter and are very helpful at the scene. The Locomotive Engineer is operating the train under the authority of their FRA Engineer Certification Card, which should be displayed to the investigating officers instead of their motor vehicle driver's license. The State Laws that apply to motor vehicle driver/passengers do not apply to the Train Crew. BNSF holds the position that they have no legal authority to UA/BAT our railroad employees in a train/trespasser incident.

2. However, if the officer in charge at the scene takes the position that the Railroad is obstructing their investigation of the accident in not proceeding with UA/BAT of our railroad employees then we have the employees inform the officer that they are not providing consent for the testing but that they will cooperate with the UA/BAT. This conversation should be done in front of at least two witnesses so that it is clear that our employee is not consenting to the testing.
3. **The FRA provides the following guidance:** Highway/Rail Grade Crossing Accidents If you are involved in a collision at a grade crossing and a law enforcement officer asks you to take a drug and/or alcohol test, advise him/her that FRA does not permit railroads to conduct Federal post-accident testing on train crews involved in grade crossing collisions. Since FRA regulations cover this situation, State and local laws on toxicological testing after rail accidents usually do not apply. But an BNSF officer can still require you to be tested if he or she has “probable cause” to suspect that you were impaired (this has to be more than just the fact that an accident occurred - for example, the officer finds an open beer bottle in the cab) at the time of the accident. FRA does not advise resistance to law enforcement action. You must comply if the officer decides to test you. A carrier officer should become involved in this discussion immediately.

*PLEASE DIRECT ANY QUESTIONS REGARDING SUPERVISOR GUIDELINES TO MEDICAL SUPPORT SERVICES HOTLINE AT (817) 352-1648*
Fatality Tox Boxes or Post Mortem Toxicological Testing Kit

Each contains a set of post-mortem collection instructions addressed to the local medical examiner, coroner, or pathologist who is to collect blood, urine, and tissue specimens from the deceased railroad employee. **Prior to use verify contents are complete and current.**

**Contents of Fatality Tox Box**

Each Fatality Tox Box contains supplies to test one employee:

- **Contained in the plastic zip lock bag:**
  - 1 Accident Information Report Form, FRA 6180.73
  - 1 Post-Mortem Chain of Custody form FRA 6180.75
  - 1 shipping label addressed to Quest Diagnostics
  - 1 red shipping container security seal
  - Instructions for testing

- **Sample Collection Containers:**
  - 3 blood vials (current)
  - 8 tissue sample containers
Survivor or Normal Tox Boxes

White Tox Boxes are designated for surviving HOS employees. Prior to use verify contents are complete and current.

Contents of Survivor Tox Boxes

Each normal Tox Box contains supplies to test three (3) employees:

- Contained in the plastic zip lock bag:
  - 1 Accident Information Report Form, FRA 6180.73
  - 3 Chain of Custody forms
  - Instructions for testing
  - 1 shipping label addressed to Quest Diagnostics
  - 1 red shipping container security seal
  - Bluing tablets

- 3 smaller kits each containing:
  - 2 blood vials (current)
  - 1 urine collection cup
  - 2 urine sample bottles
Completing FRA Post Accident Forms – Examples

FRA Form 6180.73 – Accident Information Form

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Reporting Railroad</td>
<td>BNSF Railway</td>
</tr>
<tr>
<td>Date of Accident (month/day/year)</td>
<td>None</td>
</tr>
<tr>
<td>Time of Accident</td>
<td>Hr: Min AM/PM</td>
</tr>
<tr>
<td>Locations of Accident (City and State)</td>
<td>City or Town</td>
</tr>
<tr>
<td>Nearest Railroad Station</td>
<td>Siding or Station</td>
</tr>
<tr>
<td>Medical Facility name</td>
<td>Dr. Lynn Soffer, 10701 Parkridge Blvd, Suite 200, Reston, VA 20191, 703-760-0700</td>
</tr>
<tr>
<td>Street Address</td>
<td></td>
</tr>
<tr>
<td>City, State, Zip Code</td>
<td></td>
</tr>
<tr>
<td>Area Code – Phone Number</td>
<td></td>
</tr>
<tr>
<td>Employee(s) Whose Samples Are Contained</td>
<td>Joe Conductor, Jane Engineer, Ed Trainmaster</td>
</tr>
<tr>
<td>JOB TITLE</td>
<td>Conductor, Engineer</td>
</tr>
<tr>
<td>TRAIN DESIGNATION</td>
<td>XY-TRAINID</td>
</tr>
<tr>
<td>SAMPLE SET IDENTIFICATION NUMBER</td>
<td>304566, 304567</td>
</tr>
<tr>
<td>Name of Medical Review Officer</td>
<td>Dr. Lynn Soffer</td>
</tr>
<tr>
<td>Address of Medical Review Officer</td>
<td>10701 Parkridge Blvd, Suite 200, Reston, VA 20191, 703-760-0700</td>
</tr>
<tr>
<td>Name of Railroad Representative</td>
<td>Ed Trainmaster</td>
</tr>
<tr>
<td>Address of Railroad Representative</td>
<td></td>
</tr>
<tr>
<td>Signature of Railroad Representative</td>
<td></td>
</tr>
<tr>
<td>Date of Accident (month/day/year)</td>
<td>Today’s Date</td>
</tr>
<tr>
<td>Was a breath alcohol test conducted</td>
<td>NO</td>
</tr>
</tbody>
</table>

Obtain from Blood/Urine Form 74
Accident Information Form (Form 73)

- The appointed Testing Supervisor is responsible for completing this form.
- MRO information is found in the BNSF Supervisor instructions located in the Tox Box.
- This form is completed in the event of a Fatality as well as for Survivor Post Accident Testing.
- Fax a clean copy of the completed top page to BNSF Medical prior to packing the Tox Box.

Form 73 – Step 1 thru Step 9

All Post Accident Forms are multiple copies. It is recommended when completing any of these forms to press firmly with the pen and confirm that each copy underneath is legible.
## Form 73 – Step 10 thru Step 17

**10. Employee(s) Whose Samples are Contained in this Shipping Box.**

NOTE: A sample set identification number is pre-printed on FRA Form 6180.74 and differs for each person.

<table>
<thead>
<tr>
<th>NAME OF EMPLOYEE</th>
<th>JOB TITLE (engineer, conductor, etc.)</th>
<th>TRAIN DESIGNATION</th>
<th>SAMPLE SET IDENTIFICATION NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee A</td>
<td></td>
<td></td>
<td>Sample Set #’s found on Form 74 upper right</td>
</tr>
<tr>
<td>Employee B</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee C</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**11. Name of Medical Review Officer**

Dr. Lyn Soffer

**12. Address of Medical Review Officer**

10701 Parkridge Blvd
Suite 200
Reston, VA 20191

Telephone: (703) 760-0700

**13. Name of Railroad Representative**

**Supervisor Name**

**14. Address of Railroad Representative**

BNSF Address & Phone #

17. Was a breath alcohol test conducted pursuant to the above accident under FRA Authority?

- [ ] YES
- [x] NO

**15. Signature of Railroad Representative**

Supervisor Signature

**16. Date (month/day/year)**

FRA

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FRA F 6180.73(Rev. 10-94)

*U.S. GPO: 1995-617-305*
FRA Form 6180.74 – Custody and Control Form

Date (Mo/Day/Yr): 7/27/2012

Name of Employing Railroad: BNSF Railway

Sample Set Identification Number (Pre-printed): 308100

STEP 1. COMPLETED BY EMPLOYEE (DONOR) PROVIDING SPECIMENS

Conductor, Fred A.

Employee Identification Number or Social Security Number: 0055522

Home Address: 123 Railroad Way

City: Fort Worth

State: TX

Zip Code: 76131

Telephone Number: (817) 555-1212

Remarks: None

I certify the blood specimen was presented to me by the person named in Step 1. The specimen (in two blood tubes) bears the sample set identification number as printed above and was collected, labeled, and sealed according to the Federal Railroad Administration’s instructions provided me.

Collector, Marcia T.

Date (Mo/Day/Yr): 7/27/2012

Time of Collection: 07:30

Temperature of specimen was read within 4 minutes: Yes

Temperature was within range of 22°-38°C/90°-100°F: Yes

If not, actual temperature was: X

Remarks: None

I certify the urine specimen was presented to me by the person named in Step 1. The specimen (in two bottles) bears the sample set identification number as printed above and was collected, labeled, and sealed according to the Federal Railroad Administration’s instructions provided me.

Collector, Marcia T.

Date (Mo/Day/Yr): 7/27/2012

Time of Collection: 07:45

Remarks: X

I certify I took possession of the sealed specimens with the sample set identification number as printed above from the blood and urine collectors, maintained custody of the specimens, packaged and sealed them into the kit box, placed the kit into the transport box, and prepared the three-kit transport box for shipment.

Step 4. Completed by Employer

Received Blood: X

Received Urine: X

Marcia Collector

Name (Print): Marcia Collector

Signature:

Example of My Initials: FC

Shipping Method: Fed Ex

Date: 7/27/2012

Released specimens to:

- Overnight courier service (name): X

- Railroad representative (name): X

- Other: X

Was a breath alcohol test conducted on the donor above, pursuant to this accident, using FRA authority?

- Yes

- No

None

Step 6. Completed by Medical Facility/Physician

Describe any medication, solution, transfusion, anesthetic, or other treatment the employee received after the accident that might affect toxicological analyses.

None

FRA F 6180.74 (Rev. 3-12)

COPY 1 - FRA/LAB COPY

Revision September 2012  Page 52
Custody and Control Form (Form 74)

- This form is used for testing Survivors Only
- All fields are to be completed – adding the word ‘None’ if no information is available
- The Testing Officer is to provide oversight for the collector completing the form
- Under Step 6 of this form, ‘Was Breath Alcohol Test Conducted’ – Check ‘NO’
- Breath Alcohol Tests are permissible, but NOT required to be conducted for FRA Post Accident Tests
- Fax a clean copy of the completed top page of each CCF Form (for each employee tested) to BNSF Medical prior to packing the Tox Box
FRA Form 6180.75 – Collection of Post-Mortem Toxicological Samples

Post-Mortem Collection (Form 75)

- Used for **Fatalities Only**
- Medical Examiner or Coroner to complete this form
- The Testing Officer is to provide oversight in completing this form – ensure all fields are completed
- The Testing Officer is to provide the Employee Name and Identification Number
Packing, Sealing and Shipping of Tox Boxes

Packing the Tox Box - Fatality
The Medical Examiner/Coroner/Pathologist’s office will seal the fatality Tox Box. BNSF supervisors must insure forms 73 and 75 are completed properly and in the Tox Box before sealing.

Next Step:
**Place all forms in the plastic zip lock bag**, close and place bag into Tox Box

- **Copies to be placed in plastic bag for each test conducted:**
  - a. Accident Information form FRA 6180.73 - *First 2 pages*
    ✓ Completed White (FRA) and Gold (Laboratory) copies
  - b. Post-Mortem Chain of Custody form FRA F 6180.75 - *First 2 pages*
    ✓ Completed White (FRA copy 1), Gold, (Lab copy 2)

Packing the Tox Box - Survivor
The hospital or clinic will pack and seal the kit. The Testing Officer must be certain all kits and forms are packed in the Tox Box before sealing. **Ensure ALL individual kits are included in the Tox Box even if they were not used.**

Next Step:
**Place all forms in the plastic zip lock bag**, close and place bag into Tox Box on top of the three individual specimen kits.

- **Copies to be placed in plastic bag for each test conducted:**
  - a. Accident Information form FRA 6180.73 - *First 2 pages*
    ✓ Completed White (FRA) and Gold (Laboratory) copies
  - b. Blood/Urine Chain of Custody form FRA F 6180.74 - *First 3 pages*
    ✓ Completed White (FRA copy 1), Gold, (Lab copy 2), and Gold (Lab split copy 3)

Shipping the Tox Box
The Tox Box is sealed with the red Shipping Container Security Seal.

The 2 inch square shipment label is then affixed to the outside of the Tox Box addressed to Quest Diagnostics (see label example)

**Shipment to Quest Lab Overnight** - The Testing Officer is responsible for shipment of samples collected to Quest Lab, which includes determining if Medical Facility has Overnight Mail Service.

If the medical facility has overnight mail service, request the medical facility ship the Tox Box to Quest.

---

**VIA AIR FREIGHT OR OVERNIGHT MAIL**

**RUSH-PERISHABLE (HUMAN BLOOD/URINE/TISSUE)**

**NOTIFY ON ARRIVAL**

<table>
<thead>
<tr>
<th>Telephone</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>800-729-6432 (Mon-Sat)</td>
<td>1777 Montreal Circle, Tucker, GA 30084</td>
</tr>
<tr>
<td>(770) 519-1654 (Sunday)</td>
<td></td>
</tr>
</tbody>
</table>

Effective Jan. 1, 2007
To: Quest Diagnostics

Revision September 2012
Shipment to Quest Lab Overnight

In the event that overnight mail service is not available, the Testing Officer shall request the medical facility maintain possession of the Tox Box until arrangements are made for an overnight courier. The Testing Officer is responsible for contacting an overnight courier and arranging pick up of the Tox Box(s). Record the tracking number and Tox Box Number.

* For shipment of Fatality Tox Boxes coordinate with Coroner or Medical Examiner.

Laboratory Information

The designated Lab used by BNSF and the FRA for Post Accident Testing is Quest Diagnostics Laboratories. All samples from these events, to include Fatality and Survivor, are sent to the Quest facility at the following address:

Quest Diagnostics  
1777 Montreal Circle  
Tucker, GA  30084

BNSF FedEx Account

The BNSF FedEx Account Number will be supplied by the coordinating BNSF Medical Representative and is also available in the BNSF Supervisor Guidelines supplied in each of the Tox Boxes.

Wrapping Up the Testing Event with BNSF Medical

During the testing event, the Testing Supervisor should be in contact with the Medical Department. The following information should be supplied to the Medical Department for tracking and reporting purposes:

✓ Fax clean copies of the top page of all completed forms (Form 73 and 74 for Survivors, Form 73 and 75 for Fatalities) to the MEH Secure Fax # (817) 352-7269
✓ Supply Tox Box Number and Tracking Information to MEH Representative
✓ Original copies of forms to include the pink MRO copies to be mailed to Medical Department in Fort Worth
**FMCSA POST-ACCIDENT TESTING**

**Criteria that Constitutes Reason for Testing**

FMCSA Post Accident Testing is conducted on each surviving driver when:

1) The accident involved the loss of human life; or  

2) The driver receives a citation under State or local law for a *moving traffic violation* arising from the accident, **and** the accident involved bodily injury to **any person** who, as a result of the injury, **immediately receives medical treatment away from the scene** of the accident, **or**

3) The driver receives a citation under State or local law for a *moving traffic violation* arising from the accident, **and** one or more motor vehicles incurring disabling damage as a result of the accident, **requiring the motor vehicle to be transported away from the scene by a tow truck** or other motor vehicle.

**Exceptions:**

FMCSA Post Accident Testing:

1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or

2) An occurrence involving only the loading or unloading of cargo; or

3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle, unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that requires the motor vehicle to be marked or placarded.

4) Fatality to a BNSF employee involved in an accident while on duty and operating a company vehicle or work equipment as a CDL Driver or CDL Machine Operator. FMSCA has *no requirement* to test an on duty CDL driver killed in an accident. For this type of instance, the deceased driver should have a urine specimen collection using a QUEST specimen kit, under BNSF authority for Reasonable Cause.

**Time Limits** 382.303

**Alcohol tests:** Breath alcohol testing must be conducted within two (2) hours of the accident. Breath alcohol testing should not be conducted more than eight (8) hour after the accident.

If a required test is not administered within two hours following the accident, the supervisor shall prepare and maintain on file a record stating the reasons why the test was not promptly administered. If a breath alcohol test is not administered **within eight hours** following the accident, the supervisor shall **cease** attempts to administer an alcohol test and shall prepare and maintain the same *record*. Records shall be submitted to the FMCSA upon request.

**Controlled substance tests:** Urine specimen collections for drug testing must be conducted within thirty two (32) hours of the accident.
If a required test is not administered within 32 hours following the accident, the supervisor shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

**Supervisor Requirements:**

- Contact on site collector Exam One at 866-457-4009 and request an FMCSA Post Accident Test.
- Ensure drug and alcohol testing is conducted using federal authority. Use split specimen kits.
- Fax clear copy of all forms to Medical at (817) 352-7505
- Or mail copies of all forms to:

  **BNSF Medical & Environmental Health - Drug & Alcohol Testing**  
  **2500 Lou Menk Drive, AOB-GL**  
  **Fort Worth, Texas 76131**
ADDITIONAL TESTING INFORMATION
EXCEEDING HOURS OF SERVICE

The Hours of Service rule may be exceeded for drug and alcohol testing under certain circumstances.

**Random and Follow Up Testing - No**

For FRA Random and Follow Up testing Hours of Service are not to be exceeded. For a normal FRA Random test, the testing should be stopped when Hours of Service expire.

These tests should be planned to allow for an occasional Shy Bladder situation where an employee is unable to void, although this is not always possible with all tests. Random and Follow Up testing is to take place at the beginning of shift, during the tour of duty, or at the close of shift on an unannounced basis.

**Reasonable Cause - No, unless FRA Reportable**

For Reasonable Cause testing Hours of Service should not be exceeded, except for Reportable Operating Rules Violations. If an employee is being tested for one of these violations, employees may be held past Hours of Services provided:

1. A reasonable effort has been made to conduct testing in a timely manner. The employees to be tested should not continue to work throughout the duty period after the incident and testing conducted toward the end of the shift. Testing should be scheduled at the first opportunity.
2. The collection process has begun and is being delayed due to an employee not being able to void or provide an adequate breath test.

<table>
<thead>
<tr>
<th>Operating Rules Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Train Order</td>
</tr>
<tr>
<td>Track Warrant</td>
</tr>
<tr>
<td>Timetable</td>
</tr>
<tr>
<td>Signal Indication</td>
</tr>
<tr>
<td>Special Instructions</td>
</tr>
<tr>
<td>Directions for Movement, Train Handling</td>
</tr>
<tr>
<td>Occupancy w/Out Authority</td>
</tr>
<tr>
<td>Failure to Clear Track</td>
</tr>
<tr>
<td>Red/Restrictive Signal</td>
</tr>
<tr>
<td>Moving Across RR Xing w/Out Authority</td>
</tr>
<tr>
<td>Failure to Protect, Blue Flag</td>
</tr>
<tr>
<td>Speeding</td>
</tr>
<tr>
<td>Failure to Stop Short of Derail</td>
</tr>
<tr>
<td>Run thru Switches, Aligning SW Improperly</td>
</tr>
<tr>
<td>Failure to Secure Hand Brake</td>
</tr>
</tbody>
</table>

**Reasonable Suspicion - Yes**

Hours of Service may be exceeded for Reasonable Suspicion testing of Hours of Service Employees, as there is a mandatory requirement to complete testing.

49 CFR Part. 219.300  Mandatory reasonable suspicion testing:

If a test required by this section is not administered within two hours following the determination under this section, the railroad must prepare and maintain on file a record stating the reasons the test was not properly administered. If a test required by this section is not administered within eight hours of the determination under this section, the railroad must cease attempts to administer an alcohol test and must state in the record the reasons for not administering the test. Records must be submitted to FRA upon request of the FRA Administrator.
**FRA Post Accident** - Yes

During FRA Post Accident situations, employees to be tested are retained in duty status for the period necessary to make the determination and complete the specimen collection procedure. Completion of testing is **mandatory**.
OVER-THE-COUNTER AND PRESCRIPTION MEDICATION

Supervisor responsibilities involving Prescription and Over-the-Counter Medication

Employees are allowed to perform service while taking prescribed or over-the-counter medications as long as they are able to work safely.

Supervisors should be aware that an employee may be removed from service and charged with a violation of BNSF Policy on the Use of Alcohol and Drugs for taking prescription and/or over-the-counter medications if one of the following conditions exists:

- The prescription is not in the employee’s name
- The medication is not taken at the prescribed dosage level
- The medication has an adverse effect on the employee’s ability to work safely

Employee Responsibilities involving Prescribed or Over-the-Counter Medications

- Employees must be knowledgeable of the potential adverse effects of these medications on judgment, decision making, alertness, coordination, and reaction response time.
- Employees must notify their private health care provider(s) of the full scope of assigned duties to ensure that the use of the substance at the prescribed or authorized dosage level is consistent with the safe performance of duties.
- Employees should also notify their personal physicians of other medications they are using, when receiving prescription medication.

The use of any prescribed or over-the-counter medications that may adversely affect safe performance is prohibited while on duty or on BNSF property; except medication that is permitted by a private health care provider and used as prescribed.

Medication and Drug Testing

The MRO (Medical Review Officer) reviews urine drug test results and medical information, including prescription medication(s), as part of the medical verification process. If the MRO determines the employee is not medically qualified under DOT regulation, or the information indicates that the employee cannot perform their safety sensitive function without significant risk, the MRO is required to provide this information to the BNSF Medical Department.

The employee may be requested by the MRO to provide information from their health care provider indicating they are fully aware of the employee’s job responsibilities. The health care provider must also confirm the employee is safe to work while taking the prescribed medication at the recommended dosage. Based on the health care providers understanding of the employee’s job duties, the employee may elect to change medications to ensure the employee can perform all job duties safely.

The employee has five (5) days to resolve this matter. If unresolved after five days, the employee will be prevented from working and medically disqualified by the Medical Department. If the matter is not resolved within 15 days, the investigative process will begin under BNSF Policy on the Use of Alcohol and Drugs.
Medication and Alcohol Testing

Use of medications that contain alcohol, if taken to excess, may result in an alcohol violation. Employees are encouraged to avoid taking medications containing alcohol while on duty or subject to duty.
INABILITY TO PROVIDE AN ADEQUATE SPECIMEN

When an employee is unable to provide an adequate amount of urine and/or breath sample which constitutes a completed test, the following guidelines apply:

**Urine Drug Testing "Shy Bladder"**

At the start of each urine specimen collection, the employee must take the specimen collection container, go into the restroom and is required to make an attempt to void. If the donor does not cooperate with the collector, the test is stopped and treated as a refusal to test.

The employee is provided an opportunity and encouraged to drink fluids up to, but not more than 40 fluid ounces. The employee is given **up to three (3) hours** to provide an adequate specimen.

*The 3 Hour Rule for Shy Bladder - Begins only when a donor takes a specimen cup into the restroom, attempts to void, is unsuccessful, and makes the collector aware that he/she is unable to provide an adequate specimen. After that attempt, the donor has up to 3 hours to provide the minimum amount of 45ml. An employee must make a second attempt to void during the 3 hour period. Refusal to make the 2nd attempt to provide a new specimen is considered a refusal to test.*

**Breath Alcohol Test "Shy Lung"**

Employees are directed by the collector to make at least **two** and **up to three** attempts to provide an adequate amount of breath for testing. If the employee is unable to complete the breath test, the collector will conduct a separate Manual Breath Test. If the test results are negative, the test is complete.

**Unable to Provide**

**DO NOT CLOSE THE TEST - Contact the On Duty Medical Responder prior to releasing the Donor.**

**ACTION REQUIRED**

If the employee is unable to provide the required urine, prior to the hour rule being reached or if a Manual Test results in an incomplete breath test, the On-Duty Medical responder should be contacted to intervene and attempt to prevent a shy bladder/lung event. Supervisors are instructed to call 817-352-1613 after hours and 817-352-1648 during business hours to request assistance from the Medical Department (MEH). After MEH becomes involved, the employee will be allowed a **final** attempt to complete the urine or breath test.

If the employee is unable to complete the breath or urine test, MEH will request that the supervisor **prevent the employee from working.** The employee should be given clear instruction by the Supervisor to contact MEH at 817-352-1648 for further guidance.

The employee will be required to have an evaluation to determine if a valid medical condition exists or if the inability to provide an adequate breath or urine sample constitutes a refusal to test. The employee is held out of service under “medical” authority and will be released to return to service in writing by MEH. Documentation regarding these events will be issued by MEH.
U.S. Department of Transportation (DOT) requires a new observation method for certain federally mandated observed drug screens, including Return to Duty and Follow Up drug tests, effective August 31, 2009. The following guidelines apply:

**Observed DOT Urine Specimen Collections**

Any BNSF employee who is returning to work from a federal (FRA/FMCSA) drug or alcohol policy violation is subject to Observed DOT testing. When a Return to Duty or Follow Up test is be administered under federal authority, Direct Observation is required.

**How is a collection performed?**

The Guidelines state that an employee having an observed collection, must be instructed to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants, to show the same-gender collector, by turning around, that they do not have a device that may be used to adulterate, substitute, or alter the specimen. If no device is detected, the employee is permitted to return clothing to its proper position for the observed urine collection. *(This method of Observed testing is referred to as the Olympic Model.)*

The on-site collector will normally be the Observer and must be the same gender as the donor. When the collector and donor are different genders, the collector cannot act as the Observer. Collection companies will provide same gender Observers, if needed. The only requirements for the Observer are that they are the same gender as the donor and they must be an adult. No certifications are required.

If the collector and the donor are not the same gender, and the collection company is unable to provide the same gender Observer, the test may be conducted by a clinic or hospital where qualified medical personnel will observe the specimen collection.

**DIRECT OBSERVATION KEY POINTS**

- BNSF Railway supervisors are restricted from acting as an Observer for any direct observation tests.
- Collection companies provide same gender collector or same gender observer.
- Medical facilities may be used to perform observations. Same gender observation is required; including physicians.
- All Observed urine drug screen collections at Medical Facilities must be attended by supervisors.
Direct Observation Procedures are also used for collection of DOT urine specimens when:

- Specimen shows signs of tampering at collection site, including cold, hot, and discolored specimens.
- Extremely dilute specimens with creatinine between 2 to 5 ng/mL (Substitution is below 2).
- Recollections for MRO cancelled non-negative results, including Invalid Test results and when a split specimen is not available for reconfirmation testing.

Refusals and DOT Observed Testing

In addition to the new Observed Testing procedures, DOT has provided new guidelines of what constitutes a refusal to test for Observed Testing:

1) An employee admits to the collector that he or she adulterated or substituted their specimen.
2) The employee behaves in a confrontational way that disrupts the collection process.
3) The employee fails to follow the observer’s instructions to raise and lower his or her clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process.
4) The employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
5) The employee refuses to wash his or her hands – after being directed to do so.
REMOVAL FROM SERVICE
OVERVIEW
GUIDELINES FOR REMOVAL FROM SERVICE

Positive Tests (non-negatives)

Notification of Positive Test Results
The Medical Department will notify supervisors of verified positive drug tests, adulterated tests, and substitutions which require that the employee be removed from service.

Positive breath alcohol results are known immediately after the breath test. When the collector reports a confirmed positive test result (0.020 or greater) the supervisor must remove the employee from service immediately. Supervisors must notify the Medical Department (817-352-1648) of all positive breath alcohol tests.

Action Required:
The BNSF supervisor is required to remove employees from BNSF property pending results of an investigation or results of a drug screen, provide the name and phone number of the Employee Assistance Manager, and instruct to call the EAP Manager as well as provide transportation when:

- The employee is positive for drugs or alcohol
- Has been verified by the MRO as having an adulterated or substituted specimen
- Displaying signs and symptoms of substance abuse (See Reasonable Suspicion guidelines)
- Refusal to participate in any required drug or alcohol test
- Admission of using alcohol or controlled substances at work

Providing Transportation for the Employee
Do not let the employee drive. In all cases proceed as though there is present impairment. Do not engage in any physical confrontation if they insist on driving, such as by blocking them, restraining them, or forcibly taking their keys.

- The employee should be advised that they should not drive and BNSF will arrange transportation to the employee’s home or tie up point.
- Warn the employee that if they drive, BNSF will notify local authorities.
- Contact local authorities if the employee drives after a positive test is confirmed.
Disciplinary Event

**All positive alcohol and/or drug tests require disciplinary action:**

1st time positives: All 1st time positives are discipline events which require the employee be removed from service: (a) Pending results of an Investigation; or (b) Waiver option if appropriate. A Waiver is allowed in lieu of conducting an investigation for 1st violation only, in accordance with existing Labor Relations Policy. In the case of an adulterated or substituted test result, employees are subject to dismissal for first time violations.

2nd time positives: Employees who have more than one drug or alcohol violation in any ten (10) year period will be removed from service and subject to dismissal from BNSF. An Investigation must be conducted (except Santa Fe or Frisco MOW) or the employee may resign if there are no other conflicting circumstances such as an on the job injury or railroad property damage. If an Engineer wants to resign, accept the resignation and must conduct a Part 240 hearing to determine the status of his Engineer Certificate, if the positive test DOT authority. For consistency, the same process should be used for BNSF authority 2nd time positives. If the Certified employee is absent, they need to be notified of the outcome via letter. This allows the process to be recorded in accordance with the Regulation.

Refusal to Test
Employees refusing to participate in any federal or BNSF drug and/or alcohol test will be removed from service immediately and disqualified from service for a period of at least nine (9) months (FRA mandatory) and subject to dismissal from service with BNSF. (Refer to 7.4 in the BNSF Policy on the Use of Alcohol and Drugs dated April 15, 2009.)

Possession of Controlled Substances and/or Alcohol
Any employee found in possession of Controlled Substances and/or alcohol will be removed from service pending the results of an investigation.

Admission of Using Controlled Substances and/or Alcohol
Any employee admitting the use of alcohol at work or Controlled Substances will be removed from service pending the results of Reasonable Suspicion testing. Employees covered by the Hours of Service Act are prohibited from using alcohol within 4 hours of reporting for covered service, or, after receiving notice to report for covered service (whichever time is less).

- Admission after a test has been conducted: Remove the employee from service, if not already done so, pending results of testing.
- Admission before a test has been conducted: Contact the Medical Department at (817) 352-1648 during business hours or the On Duty Medical Responder at (817) 352-1613 after regular business hours for guidance.

All discipline must be discussed with Labor Relations before being assessed.
Breath Alcohol Testing

Results and Measurements

Breath testing consists of a screen test and a confirmation test:

- First test result (screen test) is less than 0.020. Test is negative and complete.
- First test is 0.020 or greater. Another test required to confirm positive result, after a mandatory 15 minute wait.

If the second test or confirmation test is less than 0.020 the test is negative.

- **If the confirmation test is 0.020 or greater the test is positive for alcohol.** Employees are not allowed to perform service, or be on property when off duty, with an alcohol level of 0.020 and above (Federal Positive test if DOT form is used)

Confirmed breath alcohol measurements of 0.040 and above are considered Federal positives when using a DOT Breath Test form. Certified Employees with a first time positive measurement 0.040 or greater using a DOT breath test form will be decertified for a period of nine months.
**Breath Test Fatal Flaws and Recoverable Action**

**Correcting Problems**

Breath testing is the only type of test that can be corrected by performing the screen and confirmation test a second time. Listed below are “correctable flaws” that left unresolved will cause positive test results to be canceled.

<table>
<thead>
<tr>
<th>Fatal Flaw</th>
<th>Action Required for Recovery</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confirmation test before the end of the minimum period</td>
<td>Begin a new test as soon as possible. Must use a new form and perform both screen test and confirmation test again.</td>
</tr>
<tr>
<td>Collector does not conduct an air blank before the confirmation test</td>
<td>Begin a new test as soon as possible. Must use a new form and perform both screen test and confirmation test again.</td>
</tr>
<tr>
<td>There is not a 0.00 result on the air blank conducted before the confirmation test</td>
<td>Begin a new test as soon as possible. Must use a new form and perform both screen test and confirmation test again.</td>
</tr>
<tr>
<td>The breath test device (EBT) does not print the result.</td>
<td>If available use a new printer. Most breath test machines are able to have their test data downloaded into a printed format using collector hardware.</td>
</tr>
<tr>
<td>The next external calibration check of the EBT shows the breath test device is not calibrated properly.</td>
<td>Unrecoverable. If the measurement of the Accuracy Verification check is greater than 0.005, the EBT is considered out of calibration.</td>
</tr>
<tr>
<td>Collector fails to note on the “Remarks” line of the testing form that the employee has not signed the form after the result is obtained</td>
<td>Collector provides a signed statement that the employee failed or refused to sign the certification.</td>
</tr>
<tr>
<td>Collector uses a non-DOT form for federal testing.</td>
<td>Request may be sent to the FRA or FMCSA to accept the use of a non-DOT form as federal.</td>
</tr>
</tbody>
</table>
This table describes when an employee must be withheld from service pending a drug screen result.

<table>
<thead>
<tr>
<th>Type of Test</th>
<th>Withhold or Allow to Work</th>
</tr>
</thead>
</table>
| Pre-Employment        | All new hires — **Withhold from work until result is received**
                       | Transfers into covered service from non-HOS positions — **Allow to work; however, not allowed to perform covered HOS until acceptable federal test result is received.**
                       | Transfers to positions requiring a commercial driver’s license — **Allow to work; however, not allowed to perform duties requiring a CDL until acceptable federal test result is received.** |
| Reasonable Cause      | **Allow to work**
                       | Employees tested for drugs using Cause procedures are **not removed from service pending receipt of test results**; with the exception of withholding an employee from service for the actual violation. |
| Reasonable Suspicion  | **Withhold from work until result is received**
                       | Employees tested for drugs using reasonable suspicion procedures will be removed from service pending receipt of the results. |
| Random                | **Allow to work**
                       | Includes FRA, FMCSA and Exempt |
| FMCSA Post-Accident   | **Allow to work** |
| Return To Duty        | **Withhold from work until result is received**
                       | Performed on employees who have previously tested positive, refusals, possession, and admission of use prior to their return to work, to ensure that they are free from drugs and alcohol. |
| Return To Service     | **Allow to work**
                       | Performed on employees that have been out of service for 6 months or more, prior to their return to work, to ensure that they are free from drugs. |
| **Employees with CDL Certifications Only** | **Withhold from work until result is received as these tests will be DOT Authority.** |
| Follow-up             | **Allow to work** |
ENGINEER DECERTIFICATION OVERVIEW
LOCOMOTIVE ENGINEER DECERTIFICATION

Note: Engineers working in other capacities who violate certain alcohol and drug rules will have Certification revoked. Example: Conductor has FRA positive alcohol test at or above 0.040. Working as Conductor when tested; however, holds Engineer Certification. The 9 month decertification will apply. Certified employees with a positive measurement less than 0.040 using a Federal breath test form will not be decertified but be governed by BNSF discipline policy.

1st Time Positive - Drugs
If an engineer tests positive for drugs, then they are ineligible to hold a locomotive Engineer certificate during evaluation and any required treatment prescribed by a substance abuse professional. On a first rule 1.5 Violation (within 10 years) the waiver option may be used; however, the Engineer is not allowed to return to work until approved by the Employee Assistance Manager.

1st Time Positive - Alcohol
If an Engineer tests positive for alcohol using a DOT breath test form with a breath alcohol content of 0.040 or greater, they are ineligible to hold a certificate for at least nine (9) months. Therefore, on a first rule 1.5 violation (within 10 years) the waiver option may be used; however under 49 CFR, Part 240.119 the Engineer is decertified for 9 months.

1st Time Positive - Both Drugs and Alcohol
If an Engineer tests positive for both drugs and alcohol in one incident, they are ineligible to hold a certificate for nine (9) months. Therefore, on a first rule 1.5 violation (within 10 years) the waiver option may be presented, however under 49 CFR Part 240.119 the engineer is decertified for nine (9) months.

2nd Time Positives
Second time drug or alcohol violations (1.5) in a ten year period of time require BNSF Engineers to be permanently dismissed. Engineers are allowed to resign for 2nd time positive tests, however; a hearing must be conducted in compliance with 49 CFR Part 240.119 to have record of certification ineligibility.

In the case of one violation of Sec. 219.102 (drugs) and a separate violation of Sec. 219.101 (alcohol), the person shall be ineligible to hold a certificate for a period of three years, per Part 49 CFR Part 240.119. If this is a second rule violation (1.5) in a ten year period of time the Engineer is permanently dismissed.
Federal regulations (49 CFR Part 240.119) do not permit an individual to be certified as a locomotive engineer if the individual has an active substance abuse disorder. If a certified engineer has been determined to have an active substance abuse disorder, their certification shall be suspended. (1)

The following table identifies the periods of ineligibility for Engineers and Engineer candidates who have violated 49 CFR 219.101 (under the influence or impaired by drugs or alcohol) or 219.102 (prohibition on abuse of drugs). If the Federal violation is based on a test; however, an alcohol test result is evidence that can be used to prove a 219.101 violation as it can show an on-duty use; a drug test result is evidence that can only show a 219.102 violation as it does not provide evidence of an on-duty violation by itself.

**This table is a guide and does not supersed the Federal Regulations 49 CFR Part 240.**

<table>
<thead>
<tr>
<th>Violation</th>
<th>Certification Review Timeframe</th>
<th>Conditions or Considerations</th>
<th>Ineligibility Period to Hold a Certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1, One (1) violation of 49 CFR Part 219.101</td>
<td>60 consecutive months prior to violation in question</td>
<td>N/A</td>
<td>9 months</td>
</tr>
<tr>
<td>2, Two or more (2+) violations of 49 CFR Part 219.101</td>
<td>60 consecutive months prior to violation in question</td>
<td>N/A</td>
<td>5 years</td>
</tr>
<tr>
<td>3, Alcohol test refusal 49 CFR Part 219.101</td>
<td>60 consecutive months prior to violation in question</td>
<td>N/A</td>
<td>9 months</td>
</tr>
<tr>
<td>4, One (1) violation of 49 CFR Part 219.101</td>
<td>60 consecutive months prior to violation in question</td>
<td>One (1) Violation of 240.117 (e)(1)–(5) that occurred in past 36 months of each other</td>
<td>9 months (regardless of 240.117 ineligibility periods)</td>
</tr>
<tr>
<td>5, One (1) violation of 49 CFR Part 219.101</td>
<td>60 consecutive months prior to violation in question</td>
<td>Two (2) separate violations of 240.117 (e)(1)–(5) that occurred within 36 months of each other</td>
<td>1 year</td>
</tr>
<tr>
<td>6, One (1) violation of 49 CFR Part 219.101</td>
<td>60 consecutive months prior to violation in question</td>
<td>Three 3 violations of 240.117 (e)(1)–(5) in a 36 month interval</td>
<td>3 years</td>
</tr>
<tr>
<td>7, One (1) violation of 49 CFR Part 219.101</td>
<td>60 consecutive months prior to violation in question</td>
<td>Co-worker report and waiver of investigation</td>
<td>During the evaluation &amp; treatment period prescribed by the EAP</td>
</tr>
<tr>
<td>8, One (1) violation of 49 CFR Part 219.102 (i.e. positive Federal drug test result)</td>
<td>60 consecutive months prior to violation in question</td>
<td>N/A</td>
<td>During the evaluation &amp; treatment period prescribed by the EAP</td>
</tr>
<tr>
<td>9, Two (2) violations of 49 CFR Part 219.102 (i.e. positive Federal drug test result)</td>
<td>60 consecutive months prior to violation in question</td>
<td>N/A</td>
<td>2 years</td>
</tr>
<tr>
<td>10, Three or more (3+) violations of 49 CFR Part 219.102 (i.e. positive Federal drug test result)</td>
<td>60 consecutive months prior to violation in question</td>
<td>N/A</td>
<td>5 years</td>
</tr>
<tr>
<td>11, Drug test refusal 49 CFR Part 219.102</td>
<td>60 consecutive months prior to violation in question</td>
<td>N/A</td>
<td>During the evaluation &amp; treatment period prescribed by the EAP (not permitted to perform HOS for 9 months)</td>
</tr>
<tr>
<td></td>
<td>Violation</td>
<td>Certification Review Timeframe</td>
<td>Conditions or Considerations</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td>12</td>
<td>A violation of 49 CFR Part 219.101 and 219.102 (during the same testing event)</td>
<td>60 consecutive months prior to violation in question</td>
<td>N/A</td>
</tr>
<tr>
<td>13</td>
<td>A violation of 49 CFR Part 219.101 and .102 (separate testing events)</td>
<td>60 consecutive months prior to violation in question</td>
<td>N/A</td>
</tr>
<tr>
<td>14</td>
<td>Drug and Alcohol test refusal (same test event) (219.101 and 219.102)</td>
<td>60 consecutive months prior to violation in question</td>
<td>N/A</td>
</tr>
<tr>
<td>15</td>
<td>Reporting a DUI conviction within 48 hours of the conviction - per 49 CFR Part 240.111 (h): OR Failing a driver’s license check - see below (2)</td>
<td>36 months prior to conviction</td>
<td>EAP determination of active substance disorder</td>
</tr>
<tr>
<td>16</td>
<td>Any Company A&amp;D violation (other than a DUI) resulting from a Non-Federal testing event</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

1) In the event an employee violates 49 CFR Part 219.101 or 49 CFR Part 219.102 or has a DUI conviction, but is not actively performing the duties of a locomotive engineer but holds a current locomotive engineer certificate, that employee’s violation or DUI will be taken in to consideration in determining the employee’s eligibility to currently hold a locomotive engineer certificate.

2) A conviction for, or completed state action to cancel, revoke, suspend or deny a motor vehicle driver’s license for operating a motor vehicle while under the influence of or impaired by alcohol or a controlled substance OR

**A conviction for, or completed state action to cancel, revoke, suspend or deny a motor vehicle driver’s license for operating a motor vehicle for, refusal to undergo such testing as is required by law when a law enforcement official seeks to determine whether a person is operating a vehicle under the influence of alcohol or a controlled substance.**

*In all decertification situations supervisors should attempt to physically obtain the Engineer’s certification card, and notify the Manager of Engineer Certification at (913) 319-2612.*
RECOMMENDED PROCEDURES FOR TESTING
BNSF Drug & Alcohol Testing Program

RECOMMENDED PROCEDURES FOR TESTING

When Providing a Urine Specimen

1) Present photo identification to collection official. If no photo ID is available, a BNSF supervisor can identify employee. BNSF authorized testing requires employees provide their social security number or seven digit employee identification number for test tracking purposes by the BNSF Medical Department.

2) You will be directed to remove and leave outside the testing area any outer clothing (e.g. coverall, jacket, coat, hat, etc.) and any electronic device, briefcase, purse, or other personal belongings.

3) You will be directed to empty your pockets and display the items in them to ensure no items present could be used to adulterate the specimen. If nothing is there that can be used to adulterate a specimen or conceal an adulterant, you can place the items back into your pockets. Items include keys, wallets, money or jewelry.

   Items to be secured by the collector before specimen collections include eye drops, inhalers, medications, cosmetic make-up, cell phones, pagers or any items that could be used to tamper a specimen. These items will be placed in an envelope and the envelope sealed until specimen collection process is completed, then returned to the donor.

4) Wash and dry hands prior to providing a specimen.

5) You will be directed by the collector to take the specimen collection container, go into the restroom and make an attempt to void. After voiding, give specimen to collection official.

   Federal regulations require that the collection process must start and if you do not provide a urine specimen or demonstrate the inability to provide a urine specimen, the process is stopped and the test handled as a refusal.

1) Keep your specimen in view at all times prior to it being sealed and labeled by the collection official.

2) Watch collection official seal the specimen by placing bottle custody seal over the bottle cap and down the sides.

3) Employee and collection official should complete the information required on bottle custody seal.

4) This certifies that the specimen is yours.

5) Read and sign CHAIN OF CUSTODY FORM certifying that the specimen identified as having been collected from you is in fact your specimen.

6) You may record on the back-side of your copy of the CHAIN OF CUSTODY FORM medications taken or administered in the past 30 days whether or not by prescription. Secure your copy of the completed CHAIN OF CUSTODY FORM that certifies proper completion of the collection.
When Providing a Breath Alcohol Specimen

1) Present photo identification to collection official. If no photo ID is available, a BNSF supervisor can identify employee. BNSF authorized testing requires employees provide their social security number or seven digit employee identification number for test tracking purposes by the BNSF Medical Department.

2) The collector will instruct you to complete Step 2 on the breath alcohol test form and sign the certification. If you refuse to sign this certification, the collector will document this refusal on the “Remarks” line of the breath test form and immediately notify the DER. This is a refusal to test.

3) The collector will then instruct you to blow into the Evidential Breath Testing (EBT) mouthpiece for approximately 6 seconds or until the EBT indicates that a successful test has been recorded.

4) If the test is **negative (less than 0.02)** the test is complete and the collector will instruct you to sign and date Step four (4) of the Breath-Alcohol Testing Form.

5) If the test is **positive (0.020 or greater)** the collector will instruct you to wait 15 to 20 minutes for a confirmation test. During this time period you should not smoke, eat, drink fluids, belch, or put anything in your mouth.

6) After the waiting period the collector will again instruct you to blow into the EBT (using a different mouthpiece) for approximately 6 seconds or until the EBT indicates that a successful test has been recorded.

7) You will then be instructed by the collector to sign and date Step Four (4) of the Breath-Alcohol Testing Form.

8) Secure your copy of the completed Breath-Alcohol Testing Form that certifies proper completion of the collection.

*Please direct any questions regarding Supervisor Guidelines to Medical Support Services hotline (817) 352-1648.*
BNSF Drug and Alcohol Policies and Procedures (65 minutes)

BNSF Drug and Alcohol Policies Module and Lesson Contents identify federal and BNSF policy and procedure for the BNSF Drug and Alcohol Testing Program.

<table>
<thead>
<tr>
<th></th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Introduction</strong></td>
<td>15 Minutes</td>
</tr>
<tr>
<td><strong>Random Testing</strong></td>
<td>15 Minutes</td>
</tr>
<tr>
<td><strong>Reasonable Suspicion</strong></td>
<td>15 Minutes* (meets FRA requirements)</td>
</tr>
<tr>
<td><strong>Random Cause</strong></td>
<td>20 Minutes</td>
</tr>
</tbody>
</table>

FRA Post Accident Drug and Alcohol Testing (65 minutes)

FRA Post Accident Module and Lesson Contents identifies the type of testing conducted for FRA Post Accident testing along with policy and procedure for supervisors involved with a FRA Post Accident that meets qualifications for testing.

<table>
<thead>
<tr>
<th></th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>When To Test</strong></td>
<td>5 Minutes</td>
</tr>
<tr>
<td><strong>Who To Test</strong></td>
<td>15 Minutes</td>
</tr>
<tr>
<td><strong>How To Test</strong></td>
<td>25 Minutes</td>
</tr>
<tr>
<td><strong>Test Results</strong></td>
<td>5 Minutes</td>
</tr>
</tbody>
</table>

Substance Abuse in the Workplace: A Managers Guide (85 minutes)

Substance abuse is a serious and dangerous problem, especially on the railroad. This course provides the manager with specific methods for handling this problem in the workplace. The program identifies the types of alcohol and drugs that are commonly abused, describing the effects and symptoms of the various substances. There are specific guidelines that tell the manager how to recognize the signs and symptoms of abuse, document suspicious behavior, and confront the abuser and handle the situation. Each of the four lessons concludes with a short quiz.

<table>
<thead>
<tr>
<th></th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overview of Substance Abuse</strong></td>
<td>5 Minutes</td>
</tr>
<tr>
<td><strong>Responsibility and Recognition</strong></td>
<td>15 Minutes</td>
</tr>
<tr>
<td><strong>Documentation and Confrontation</strong></td>
<td>25 Minutes</td>
</tr>
<tr>
<td><strong>Effects and Indicators of Alcohol &amp; Drugs</strong></td>
<td>5 Minutes</td>
</tr>
</tbody>
</table>
COMPUTER BASED TRAINING (CBT)

Log on to BNSF web site: http://bnsfweb.bnsf.com

Click on: Learning Portal link located on the BNSF Intranet page under the Quicklist on the left side of the page.

Select View Course Catalog. This will take you to a list of all courses. Scroll down to Medical Health and select Drug and Alcohol.

The courses are listed as Web-based Training:

- FRA Post-Accident Testing
- Substance Abuse in the Work Place
- BNSF Drug and Alcohol Testing Policies

Click the desired class name to access the CBT. To begin this course, select Book this course at the top of the screen.
**ADDITIONAL CONTACT INFORMATION**

**Helpful Numbers:**

Drug / Alcohol Issues  **817-352-1648** (D/A Hotline)
To report alcohol positives, shy bladder shallow lung, and any concerns. Obtain scheduled test information and test results for employees.

Cell Phones  **817-352-1613** (On-Duty Medical Responder)
888-634-1011, option 2, then option 6,  or 817-296-3656 (Manager) regulations, policies and procedures.

**MEH 24-Hour Help Line Menu**  **888-634-1011 option 2** offers the following:

- Option 1 - BNSF D/A Hotline, or 817-352-1648,
- Option 2 - EMSI to schedule Random and Follow Up tests
- Option 3 - Quest’s (Employer Solutions) for Cause and Suspicion tests
- Option 4 - EMSI Mgr Cust Svc to report problems
- Option 5 - Quest (Employer Solutions) Mgr Cust Svc to report problems
- Option 6 - BNSF After Hours On-Duty Medical Responder

Medical Fax Machines  **(817) 352-7505, (817) 352-7506 and (817) 352-7269**
Three fax machines intended for receipt of confidential information.

Medical Review Officer  **MRO Dr. Lynn Soffer**
10701 Parkridge Blvd Suite 200
Reston, Virginia  20191
Phone 703-760-0700

Service Interruption Desk  **817-234-6164** (SID)
To report all on track incidents and derailments.

Federal Railroad Administration  **800-424-8802** and  **202-493-6313** (FRA)
To report FRA Post Accidents, both numbers must be called.
If answering machine, leave the following:

1. Name of railroad (BNSF);
2. Name, title, and phone number of Supervisor;
3. Time, date, and location of accident / incident;
4. Brief summary of the accident / incident including basis for the testing
5. Total number employees tested, including names and occupations of employees.

Employee Assistance Program  **800-383-2327** (EAP) to speak with a LifeSynch EAP Manager

BNSF Resource Protection  **800-832-5452** BNSF Police Emergency
Supplies

<table>
<thead>
<tr>
<th>Order Item</th>
<th>Contact</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kits &amp; Forms</td>
<td>Quest Diagnostics</td>
<td>800-728-4064</td>
</tr>
<tr>
<td>Breath Alcohol Test Forms</td>
<td>Medical Department</td>
<td>817-352-1648</td>
</tr>
<tr>
<td>FRA Post Accident Tox Boxes</td>
<td>Medical Department (Manager)</td>
<td>817-352-1611</td>
</tr>
</tbody>
</table>

To order kits and forms from Quest Diagnostics you may call 800-728-4064 and request an order form be faxed. Any questions call MEH Hotline at 817-352-1648.

This manual supplements the *BNSF Policy on the use of Alcohol and Drugs*. It provides a resource on the BNSF’s drug and alcohol testing programs and is primarily a guide for supervisors.

Content items in this manual do not supersede federal regulations or the current BNSF Policy on the Use of Alcohol and Drugs.

This manual is also supplemented by the laminated decision Flow Chart entitled *BNSF Drug and Alcohol Field Testing Guidelines* that can be ordered locally through the Graphic Services Department (Form #1384166).