

Compliant Drug & Alcohol Policies

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U.S. Department of Transportation
Federal Transit Administration

Disclaimer

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Introduction to Policy Review



What Do Auditors Look For?

- Compliance with 49 CFR Part 655
- Compliance with 49 CFR Part 40
- Anything that inaccurately describes or contradicts these regulations is not compliant and must be changed

Auditors Do Not Review For . . .

- Best practices
- Redundancy
- Poor phrasing
- Poor organization
- Unnecessary complexity with no apparent benefit

A policy could be poorly written, but if it complies with Parts 40 & 655 auditors will not require changes (though we will make informal helpful suggestions).

It is possible to have a policy that is compliant but difficult to read or understand.

Some Recommendations

- Best practice is short, accurate and to the point.
 - Far more likely employees will read it.
 - Far more likely they will understand it.
 - Much easier to keep up to date.



Some Recommendations

- Avoid overly complicated policies
 - No need for lengthy definitions section
 - No need to describe test collection processes
 - No need to describe laboratory processes or the MRO's responsibilities in detail



Some Recommendations

If you have an overly complicated or long policy, ask yourself:

- Why?
- Some employers have policies that double as a manual for the DAPM. Better to have a policy for employees and a separate manual for DAPMs.
- Do employees read it?
- Do you read it?
- When you read it, does it make sense to you? (Hint: if the DAPM has trouble understanding a section, so does everyone else)
- Who benefits?
- Does it contain large amounts of irrelevant information?



FTA's Free Policy Builder



U.S. Department of Transportation
Federal Transit Administration



FTA's Policy Builder

- <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/PolicyBuilder/CreatePolicy.aspx>
- Search: “FTA Policy Builder”

Finding FTA's Policy Builder

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Transit Safety & Oversight

Safety Rulemaking

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State Safety Oversight Program

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TRACS

Drug and Alcohol Program

Bus Safety Program

Safety Training

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FAQ

Drug and Alcohol



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Drug and Alcohol

Tools and Resources

- [Legislation and Regulations](#)
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FTA has published issue 83 of the FTA Drug and Alcohol Updates Newsletter (December, 2024).

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FTA requires employers that receive financial assistance from the Federal Transit Administration (FTA) and by contractors of those employers, to implement programs, as specified in 49 CFR Part 655, that are designed to help prevent accidents, injuries, and fatalities resulting from the misuse of alcohol and use of prohibited drugs by employees who perform safety-sensitive functions.

Updated: Monday, December 30, 2024

Finding FTA's Policy Builder

Transit Safety & Oversight

Safety Rulemaking

Safety Guidance

State Safety Oversight Program

Safety Management Systems (SMS)

TRACS

Drug and Alcohol Program

Bus Safety Program

Safety Training

Stakeholder Outreach

FAQ

Tools and Resources

Tools

Policy Tools

All anti-drug and alcohol misuse programs must have a statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace.

Use the [Policy Requirements Checklist](#) to ensure your own policy includes all required elements.

Starting from scratch? Use the [Policy Builder](#) to develop a customized policy statement for your organization.

Sample Forms and Other Useful Tools

Pre-Employment/New Hire

- [60-Minute Drug Awareness Video](#)
- [Pre-Employment Notification and Acknowledgement Form](#)
- [Previous Employer Release of Information Form](#)
- [Acknowledgment of Policy Form](#)
- [Acknowledgement of Prohibited Awareness Training for Safety-Sensitive Employees Form](#)



Related Links

Drug and Alcohol

- [Tools and Resources](#)
- [Legislation and Regulations](#)
- [Regulation Update Newsletters](#)
- [Drug and Alcohol MIS Reporting](#)
- [Drug and Alcohol Training](#)
- [Technical Assistance](#)
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FTA Policy Builder – How to Use

Be ready to answer a few questions

- What is the name of your organization?
- Are your employees subject to the Drug-Free Workplace Act?
- Who will be covered by your policy?
 - Any volunteers?
 - Any rail cars, trolley cars, trolley buses, or vessels?
- If a covered employee tests positive/refuses, what are the consequences?
- Must all applicants for safety-sensitive positions take a pre-employment alcohol test?
- Will employees be retested after a negative-dilute result?
- Do either of these apply?
 - An employee with a substance or alcohol abuse problem can voluntarily self-refer.
 - Employees must report RX/OTC medications that could affect performance.

FTA Policy Builder - Benefits

- Facilitates compliance
- Promptly updated whenever Parts 40 or 655 change
- Easily edited for those with company provisions
- Well-written, well-organized
- Can be used to introduce compliant sections into an existing policy
- Succinct and easy to read – your employees will thank you!*

**They probably won't actually thank you, but they should.*

But Wait! I'm Also Covered By FMCSA.

No problem!

Now you may make any necessary changes. On the cover page, fill in all relevant dates (Effective Date, Policy Adoption Date, and Date of Last Revision). Then continue through the Word document, editing any text in red as it applies to your organization. You may also include additional requirements that are not mandated by FTA. However, you may not impose requirements that are inconsistent or contrary to the procedures required by 49 CFR Part 655 or 49 CFR Part 40. These additional policies must also be clearly identified. Use of **bolding** to differentiate between FTA and company policy prohibitions, terms, etc. is common.

The Table of Contents on page 2 does not automatically update. Once you have completed your edits, you should update the Table of Contents. To do this, click on the Table of Contents and select "Update Table" in the pop-up menu that appears above it. In the Update Table of Contents window, choose to update the entire table and click "OK" to apply the changes.

[Click to Begin](#)

* Note: This Policy Builder is intended to create a policy compliant with FTA drug and alcohol regulations only. For an FTA/FMCSA sample policy, [click here.](#)

Updated: Monday, November 3, 2025

Drug & Alcohol Policy Requirements



U.S. Department of Transportation
Federal Transit Administration



Policy Requirements, per § 655.15

- Policies must be formally adopted by governing board/equivalent entity
- Must be made available to all covered employees
- Any later revisions made available to all covered employees
 - Full reprint is not always necessary



Policy Requirements, § 655.15(a)

- Contact person/office/branch/position who can answer employee questions.

Policy Requirements, § 655.15(b)

- Categories of employees who are covered:
 - Operating a revenue service vehicle, in or out of revenue service
 - Operating a non-revenue vehicle requiring a commercial driver's license
 - Controlling movement or dispatch of a revenue service vehicle
 - Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
 - Carrying a firearm for security purposes
- Don't have armed security, etc.? No need to include.
- If applicable, don't forget covered volunteers (CDL or remuneration)
- Include a list of covered positions with actual job title.

Policy Requirements, § 655.15(c)

- Specific information concerning the behavior and conduct prohibited by Part 655.
 - Marijuana, Cocaine, Amphetamines, Opioids, Phencyclidine
 - Use prohibited at all times.
 - Can be tested for drugs any time on duty.
 - Alcohol
 - Use prohibited 4 hours prior to performing safety-sensitive functions, while on call, and while performing safety-sensitive functions.
 - Use prohibited 8 hours after accident or until post-accident test is performed.
 - Employees are prohibited from performing safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

Policy Requirements, § 655.15(d)

- Circumstances when covered employees are tested for drugs and/or alcohol (e.g., explain the different test types):
 - Pre-employment
 - Random
 - Post-accident
 - Reasonable-suspicion
 - Return-to-duty (if applicable)
 - Follow-up (if applicable)



Policy Requirements, § 655.15(d)

- Pre-employment
 - Negative drug test before 1st safety-sensitive duty, must be made up if canceled.
 - If out of safety-sensitive duty for 90+ days, and out of random testing pool, need negative result prior to returning to covered duty.
 - Applicant who previously failed/refused a DOT test must show evidence of treatment.
 - If employer chooses to require alcohol test:
 - Test must occur before SS duty
 - All covered employees must be tested
 - Testing only after offer of employment/transfer
 - Must follow Part 40 regulations
 - BAC < 0.02

Policy Requirements, § 655.15(d)

- Random
 - Scientifically valid selection method
 - Equal chance of selection on each draw
 - Testing is conducted on all days and hours throughout the year
 - Unannounced and immediate
 - Alcohol testing only permissible just before/ during/just after actual performance of safety-sensitive functions

Policy Requirements, § 655.15(d)

- Post Accident
 - List FTA Thresholds:
 - Fatality
 - Medical treatment away from scene, unless driver discounted
 - Disabling damage, unless driver discounted
 - For fixed guideway vehicles only: vehicle removal from service, unless driver discounted
 - Test all other covered employees whose performance could have contributed to the accident.
 - Employees must remain readily available for testing, else a refusal.
 - Readily available requirement is stayed while employee assists in resolution of the accident or receives medical attention following the accident.

Policy Requirements, § 655.15(d)

- Reasonable suspicion
 - Trained supervisor
 - Physical signs & symptoms, contemporaneous observation
 - Alcohol testing only permissible just before/during/just after SS duty



Policy Requirements, § 655.15(d)

- Return-to-duty and Follow-up (if applicable)
 - Conducted in accordance with Part 40, Subpart O
 - All tests conducted under direct observation

Policy Requirements, § 655.15(e)

“The procedures that will be used to test for the presence of prohibited drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.”

- Two approaches:
 - Short and sweet
 - Long and longer

Policy Requirements, § 655.15(e)

Short and sweet. And compliant!

“All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.” – from the FTA policy builder

- Avoid summarizing large sections of Part 40.

Policy Requirements, § 655.15(f)

- Requirement that covered employees submit to drug and alcohol testing in accordance with Part 655



Policy Requirements, § 655.15(g)

- Description of the behavior that constitutes refusals to tests
 - See FTA's policy builder for a list of refusals
- Statement that a refusal to test is a violation of the policy



Policy Requirements, § 655.15(h)

- Consequences for covered employees with violation (verified positive drug/confirmed alcohol test of 0.04 or greater/test refusal).
- Must include Part 40 requirements for violations.
 - Immediate removal from safety-sensitive functions.
 - Referral to Substance Abuse Professionals.

Policy Requirements, § 655.15(i)

- Consequences for covered employees with confirmed alcohol results of 0.02 or greater but less than 0.04 as stated in § 655.35.
 - Removal from safety-sensitive functions until start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
 - Employees who take a later test with result of less than 0.02 can return to safety-sensitive functions.
 - REMINDER: Results of 0.02 to less than 0.04 are not DOT violations.

Policy Requirements, § 655.15(j)

Inform each covered employee if you implement policy elements that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

- All employers are free to add provisions under their independent authority.
- Such provisions
 - Cannot contradict Parts 655 or 40.
 - Must be clearly described as included under local – and not federal – authority.
 - Must not suggest local provisions would result in DOT tests (always non-DOT).
- Consider if these provisions would be better in a separate policy.

FTA's Handy Policy Checklist

<https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/Default.aspx>

Tools

Policy Tools

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Common Findings



Common Policy Findings

- Inaccurate representations of Part 40 requirements
 - Imprecise definitions
 - Suggestion that MROs oversee alcohol testing
 - Inclusion of additional “prohibited behavior” – e.g., “alcohol use while in uniform”



Common Policy Findings

- Failure to clearly identify provisions included under the employer's independent authority
- Suggestion that a local provision could result in a DOT test and/or a DOT violation
- Misuse of DOT terms to describe locally-included provisions, especially misuse of SAP



Common Policy Findings

- Failure to keep up with regulatory changes
- Inaccurate contact information
 - MRO, SAP, Collection Site, laboratory, DER/DAPM
- Listing alcohol prohibition as “.02”
- Giving a fixed travel time to collection site
- Non-compliant criteria for reasonable suspicion testing
- Omission of a required policy item



Consider the Policy Builder!

- <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/PolicyBuilder/CreatePolicy.aspx>
- Benefits:
 - A few minutes to generate a compliant policy
 - Readable, concise, and clear



Thank you!

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