

FTA DRUG & ALCOHOL

Post-Accident Testing: Thresholds and Decision-Making

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U.S. Department of Transportation
Federal Transit Administration

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Post-Accident Testing 655.44

What is an accident?

Testing decision

Who to test?

When to test?



U.S. Department of Transportation
Federal Transit Administration



Required Training?

- No formal training requirement to make post-accident determinations
- FTA-covered employers are expected to have knowledge of:
 - 655.4 – Definitions
 - Accident
 - Vehicle
 - 655.44 – Criteria
 - Thresholds
 - Time limits
 - Who to test
 - When to test
 - Documentation requirements



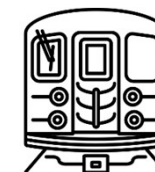
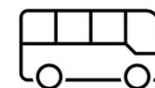
What is an 'Accident'? (§ 655.4)

FTA defines an accident as...

- An occurrence associated with the operation of a vehicle in which one or more of the following occur:
 - An individual **dies**.
 - An individual suffers a bodily injury and immediately **receives medical treatment away from the scene**.
 - An occurrence in which the public transit vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles incurs **disabling damage** and such vehicle(s) are transported away from the scene by a tow truck or other vehicle.
 - If the public transit vehicle is a rail car, trolley car or trolley bus, or vessel, and is **removed from operation**.

What is a 'Vehicle'? § 655.4

- FTA defines *vehicle* as a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel.
 - A public transportation **vehicle** is a vehicle used for public transportation or ancillary services.



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Van icons created by Konkapp - Flaticon
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Trolley bus icons created by Freepik - Flaticon

Post-accident testing criteria – fatality (who dies?)



1. Operator of another vehicle



2. Pedestrian



3. Passenger in any vehicle



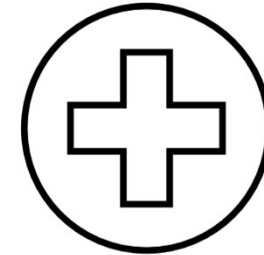
• Do NOT test your operator if deceased.

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Pedestrian crossing icons created by Iconjam - Flaticon
Passenger icons created by Freepik - Flaticon
Bus icons created by Smashicons - Flaticon

Post-accident testing criteria – medical treatment

The decision is based on the employer's determination, using the best available information at time of determination.

- What is **medical treatment away from the scene**?
 - Any individual goes directly from the scene to receive medical treatment
 - Transported by any means
 - Does not require verification by the employer

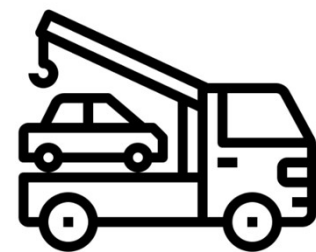


Post-Accident Testing Criteria – disabling damage

What is disabling damage?



- Prevents a vehicle from leaving the scene in its usual manner in daylight after simple repairs
 - Includes when vehicle could be driven, but doing so would cause further damage
 - ∅ Excludes:
 - Damage easily remedied at the scene
 - Tire disablement and damage to headlights, taillights, turn signals, horns, windshield wipers
- Requires towing or transport away from the scene by another vehicle.



Tow truck icons created by itim2101 - Flaticon

Post-Accident Testing Criteria – removed from operation



- Rail/trolley/vessel only
- Rail car, trolley car, trolley bus
 - Unauthorized passing of a stop signal – Stop Signal Overrun
 - Catenary Failure or Overhead Line Equipment Failure
- Vessel
 - ‘Hard’ docking
 - Collision
 - Grounding (aground)

Post-Accident Testing Criteria

Factors that *do not* trigger FTA Post-Accident testing:

- Dollar amount of damage
- Driver citation - **FMCSA Criteria**
- Direction by Law Enforcement
- Insurance or company requirement
- “Just to be safe”
- Reasonable suspicion implications
- At fault vs. preventable



Post-Accident Testing Criteria

Factors that *do not* trigger FTA Post-Accident testing:

- Events *not* associated with operation of vehicle
 - heart attack or medical emergency
 - fist fight on bus
 - shooting / assault on transit vehicle
- Injuries that are not due to vehicle movement
 - Slip and falls?



icons created by Leremy - Flaticon

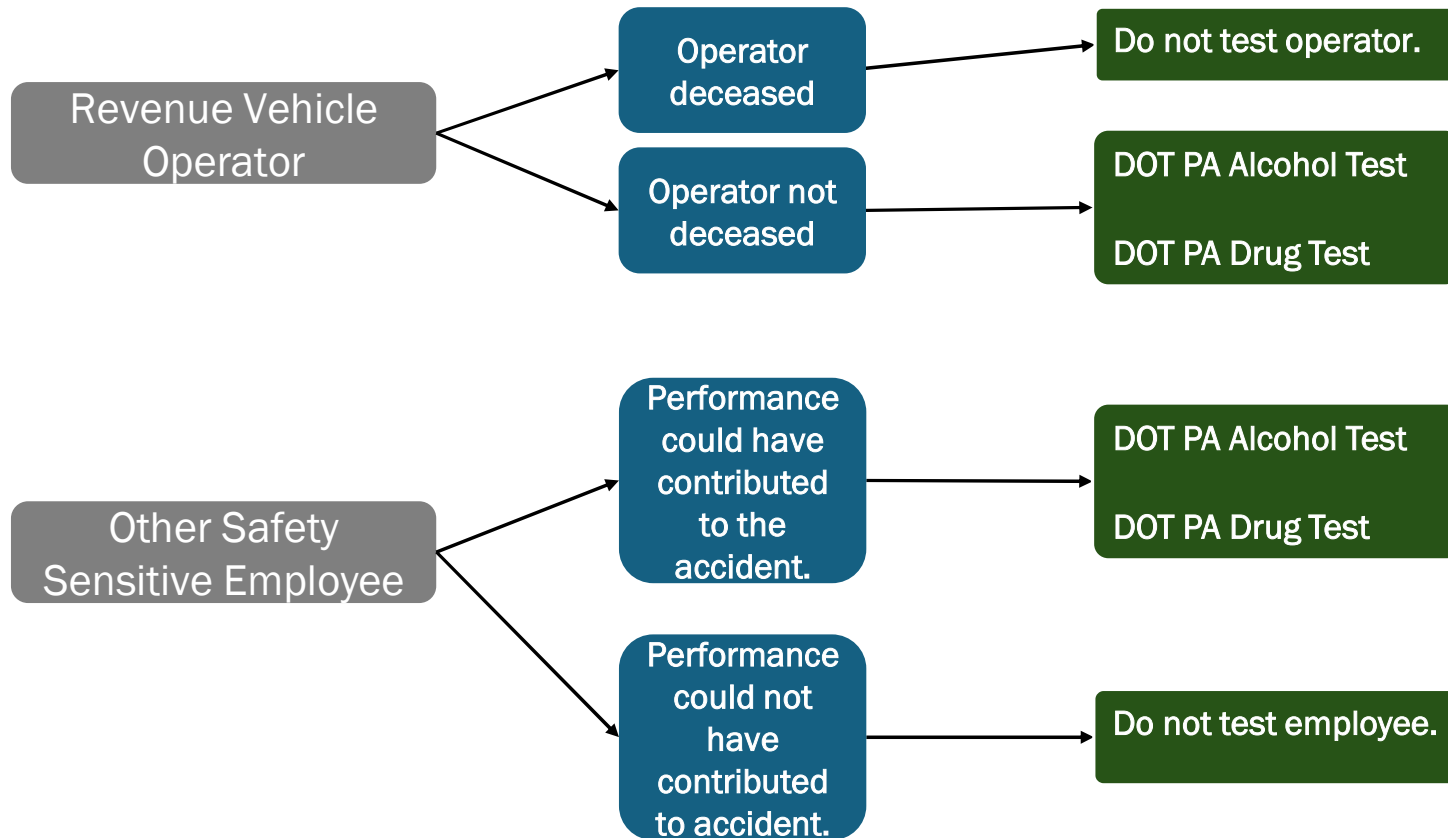
Post-Accident Testing: Who to Test

- **Fatality (Fatal Accident):**
 - Each surviving covered employee operating the public transportation vehicle at the time of the accident
 - Any other covered employee whose performance could have contributed to the accident

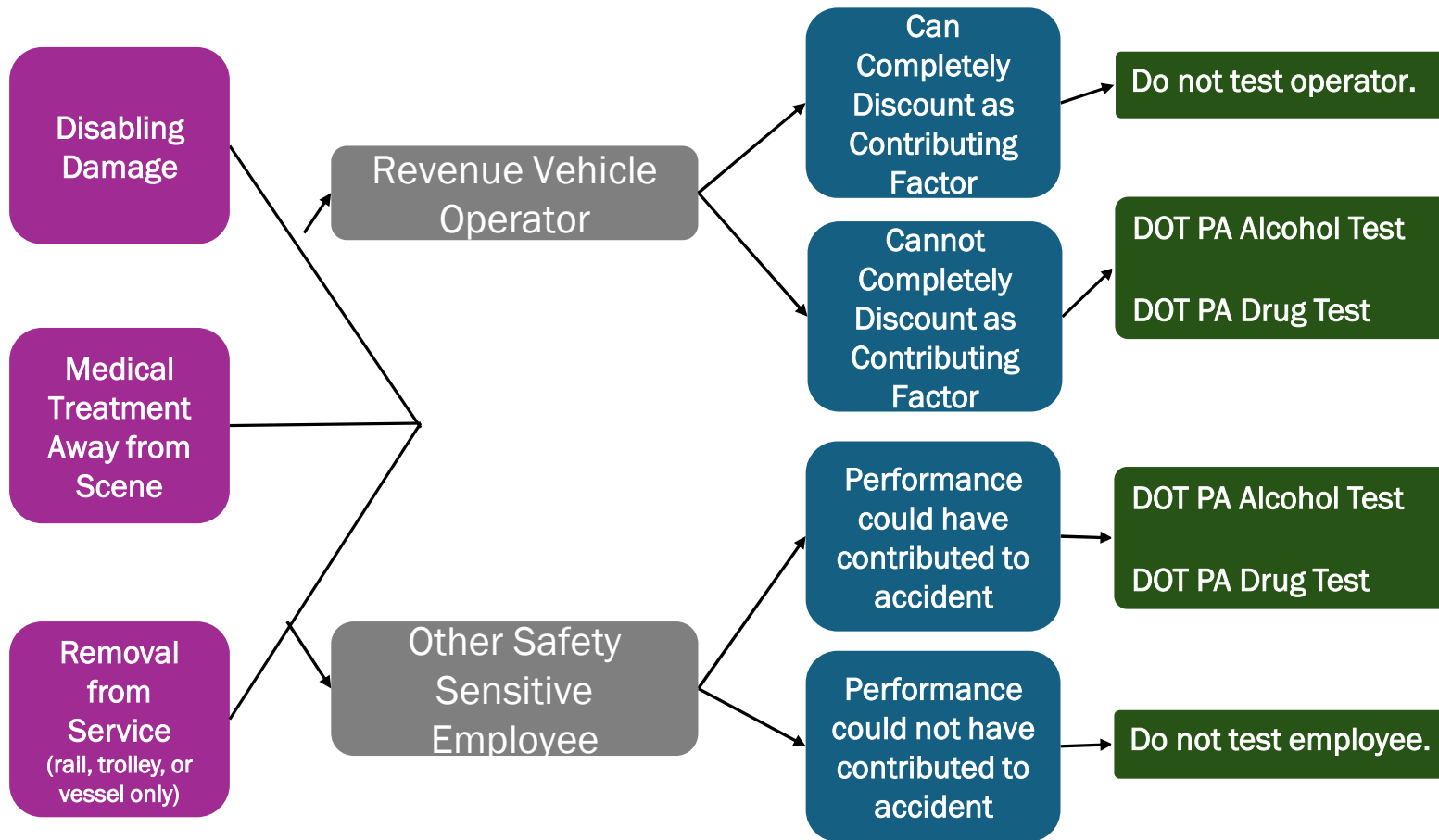
- **No Fatality (Non-Fatal):**
 - Each covered employee operating the public transportation vehicle at the time of the accident – unless the employee’s performance can be completely discounted as a contributing factor
 - Any other covered employee whose performance could have contributed to the accident

- **Difference** – non-fatal requires you to evaluate ‘discount’ possibility – and document if applicable

FTA-Defined Fatal Accident



FTA-Defined Non-Fatal Accident



Sample Post-Accident Decision Making Form

- The form helps facilitate capturing accurate and necessary information.
- It walks the decision maker through process, documenting along the way.
- It includes thresholds and time limits.
- It is customizable.
- Document if threshold met but ‘discount’ exclusion applies.

Sample Post-Accident Drug and Alcohol Testing Decision Making

EMPLOYER NAME/LOGO

FTA Post-Accident Drug and Alcohol Testing Decision Making Form

The Federal Transit Administration (FTA) drug and alcohol testing regulation (49 CFR Part 655) requires that safety-sensitive employees involved in a public transportation vehicle accident (as defined at 655.4 & 655.44) submit to tests for alcohol misuse and prohibited drug use as soon as possible following the accident. Part 655 also requires the testing of any other safety-sensitive employees whose performance could have contributed to the accident, as determined by the employer at the scene using the best information available at the time of the decision.

Accident Information:

Date of Accident: _____ Time of Accident: _____ AM/PM
 Employee Name: _____ Employee ID/SSN: _____

Decision Questions:

- Was there a fatality? _____ YES (FTA drug and alcohol tests are **REQUIRED**) _____ NO
- If there was **NO** fatality, answer the following questions:
 1. Has any individual suffered a bodily injury and immediately received medical treatment away from the scene of the accident? _____ YES _____ NO
 2. Was there any disabling damage to any vehicle involved in the accident, requiring the vehicle to be towed away from the scene? _____ YES _____ NO
 3. Was the vehicle (if rail car, trolley car, trolley bus, or vessel) removed from operation? _____ YES _____ NO

If you answered yes to any of these three questions, can you **completely** discount the performance of the operator of the public transportation vehicle as a contributing factor to the accident?

_____ NO (FTA drug and alcohol tests are **REQUIRED**)
 _____ YES, Explain: _____

(If you answered YES, FTA drug and alcohol tests are **PROHIBITED**)

- Other than the operator, could the performance of any other safety-sensitive employee have contributed to the accident, using the best information available?

_____ NO
 _____ YES, Explain: _____

(If YES, make arrangements to immediately post-accident test that employee)

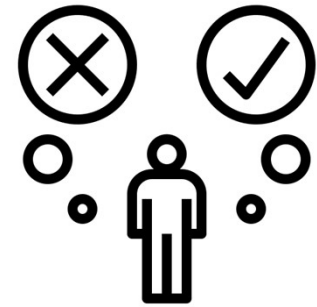
Did You Decide to Perform FTA Post-Accident Testing?

_____ YES (Complete page 2 of this form) _____ NO (No further action required)

Post-Accident Testing Decision

Decision to test/not to test

- The decision is made by the employer (company official, supervisor).
- Use **best information available** at the time.
 - Use any and all information.
 - Do not 'reverse' decision based on facts that may emerge later.
 - Video footage may be used, if viewable in real time.
- Document the decision-making process.



Decide icons created by Nualnoi Kinkaeo – Flaticon
Document icons created by Freepik - Flaticon

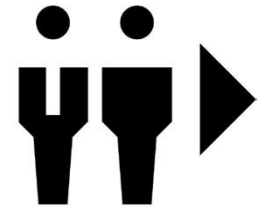
Post-Accident Testing Decision - Remote

- Use the best tools available.
 - Discussion with operator, law enforcement, witnesses
 - Use of local video
- Must take test within required time frames – as soon as possible.



Post-Accident Testing

- The employer is not required to accompany employee.
- Testing is not required to remove employee from safety-sensitive function.
 - May remove employee from safety-sensitive function pending result.
 - In policy
 - Must be consistent (all FTA Post-Accident tests)
- Must be able to test all hours when safety-sensitive operations occur.



Post-Accident Testing: When to Test

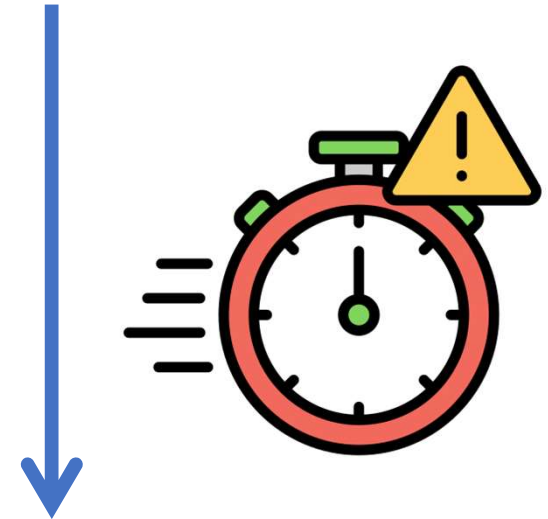
- Alcohol and drug tests must be performed as soon as possible.
 - Always treat injuries and cooperate with law enforcement first.
- The clock starts at the time of the accident.
 - Alcohol test (conducted first).
 - If no test within **2 hours** – document reason why.
 - Cannot test after **8 hours**.
 - Drug test
 - Cannot test after **32 hours**.



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Post-Accident Testing: Alcohol 2 Hours

- Time of Accident
 - Notification of FTA Testing Requirements
 - Transport (by other) or Self-Transport to Collection Site
 - Arrival at Collection Site
 - Sign-in at Collection Site
 - Instructed to conduct Alcohol Test
- Complete Initial Screening Alcohol Test (ASD or BAT)
 - Time on ATF



Urgent icons created by HAJICON - Flaticon

Common Mistakes in Post-Accident Testing

- Conducting FTA tests after incidents that do not meet FTA testing criteria.
- Testing is omitted or significantly delayed without proper documentation.
- Documentation states ‘Discount’ but test conducted.
- Testing “just to be safe” (over-testing).
- Decision not to test (after FTA thresholds are met) not sufficiently documented.



Failure icons created by Uniconlabs - Flaticon

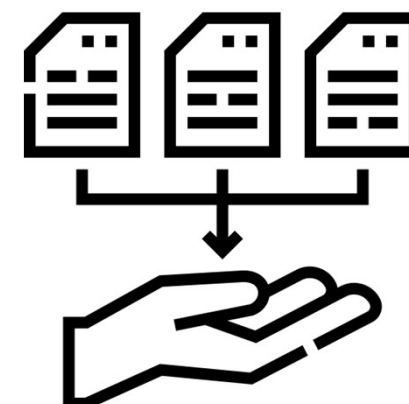
Program Personnel



DAPM/DER Responsibilities

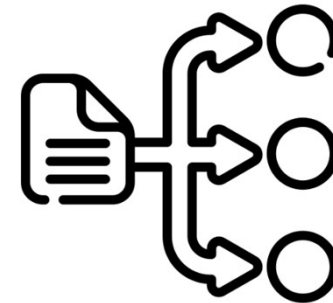
- Collect all documents related to the event:
 - Decision and Documentation form
 - Testing Notification Form, if applicable
 - Employer copy of CCF
 - Employer copy of ATF
 - MRO verified drug test result

- Review documentation to:
 - Confirm definition/thresholds of an accident were met.
 - Confirm that covered employee performance could not be discounted.
 - Determine cause for delays in testing (and address them).
 - Ensure that alcohol test was performed first.
 - Check for any errors or omissions on CCF & ATF.



DAPM/DER responsibilities

- If applicable, provide a copy of Decision and Documentation form to other departments (i.e., training, safety, risk management).
 - Do not provide ATF/CCF or MRO result.
- File and retain documents for a minimum of 2 years.
- If test(s) are positive retain paperwork for at least 5 years.





Post-Accident Testing Scenarios

To test or not to test under the FTA rule
– that is the question.



Scenario 1 – Post-Accident

Operator stated that while he was making a right turn, he ran over the curb and damaged the front tire. He could not continue on his route with a flat tire, so the bus was taken out of service.

FTA Test _____ No FTA Test _____

Scenario 2 – Post-Accident

Your operator is involved in a serious accident and is injured during morning rush hour. You cannot determine the specifics of the accident. The operator is taken by ambulance to the hospital and is kept overnight for observation and released early the next morning.

FTA test _____ No FTA test _____



Scenario 3 – Post-Accident

You, the supervisor, got a call that one of your operators had crossed the median and crashed into someone's home. The bus suffered disabling damage and the home was demolished, but no one was injured. The operator was not sure what happened; but claimed the brakes failed.

FTA Test _____ No FTA Test _____

Scenario 3b – Post-Accident

Same scenario, except:

The bus did not suffer significant damage and was able to back up, get back on the road, and drive away.

FTA Test _____ No FTA Test _____



Scenario 4 – Post-Accident

While moving a bus in the yard to fuel it, the Service Attendant ran into a supervisor's car. Neither the bus nor the car sustained a disabling damage. While interviewing the Service Attendant, the supervisor noticed that his eyes were red, and he smelled a pungent aroma that resembled the odor of marijuana.

FTA Test _____ No FTA Test _____



Scenario 5 – Post-Accident

Bus took a U-turn due to a fallen tree on the street. The bus ended up off the road and got stuck in the mud. A tow truck was called to tow it back onto the road.

FTA Test _____ No FTA Test _____

Scenario 6 – Post-Accident

Supervisor called to a scene because a bus had struck and run over a large pothole. The bus had a flat tire. The supervisor could not be certain but thought the bus may have had serious undercarriage damage and had the bus towed back to maintenance.

FTA Test _____ No FTA Test _____

Scenario 7 – Post-Accident

Following an accident, your operator stated he noticed a UPS truck driver pulling away from the curb at the same time he was passing. He thought he had enough clearance to go around the truck, but he still hit it with his right bumper. The UPS driver was not injured; but some passengers on the bus claimed injuries and were transported to the hospital for treatment.

FTA Test _____ No FTA Test _____

Scenario 7b – Post-Accident

Continuation of previous slide:

The supervisor, on the scene, believes the passengers are not actually injured, but are hoping for a financial settlement.

FTA Test _____ No FTA Test _____

Scenario 7c – Post-Accident

Same scenario, except:

No passengers claimed injury immediately after the accident, one passenger called the next day to inform the transit employer that they had gone to the hospital for a sore neck and back.

FTA Test _____ No FTA Test _____

Scenario 8 – Post-Accident

Your operator stated that he was legally parked, awaiting to begin his route. The transit vehicle engine was not running. Passengers on the vehicle confirm this. A motorcycle, speeding, took a wide turn and plowed into the back of the parked transit vehicle. The motorcyclist was badly injured and transported for medical attention.

FTA Test _____ No FTA Test _____



Scenario 8b – Post-Accident

Same scenario as previous slide, but you receive word that the motorcyclist died, several hours later, after the driver was released from the accident scene.

FTA Test _____ No FTA Test _____



Scenario 9 – Post-Accident

Your operator arrives to pick up a wheelchair-bound passenger. The operator parks their vehicle, collects the passenger from their home and wheels them toward the parked vehicle. Along the way, the operator carelessly hits a bump and overturns the wheelchair, injuring the passenger. An ambulance is called and transports the passenger for medical attention.

FTA Test _____

No FTA Test _____

Scenario 9b – Post-Accident

Same scenario as previous slide, but the operator brings the passenger to the vehicle and rolls them onto the wheelchair lift, neglecting to properly secure the wheelchair. As the operator engages the lift, the wheelchair tips and throws the passenger to the ground, injuring them. An ambulance is called.

FTA Test _____

No FTA Test _____

Scenario 10 – Post-Accident

Several individuals were at a bus stop waiting to board. The 5 gentlemen allowed the young lady to board first. While boarding the bus, the female passenger, wearing 6-inch heels, trips on the top step and falls, hitting her head on one of the seats. She told the driver she was injured and requested medical attention.

FTA test _____ No FTA test _____

Scenario 11 – Post-Accident

An operator is a bit behind schedule and doesn't slow down as she makes a turn. An elderly woman slides off her seat and lands hard, injuring her back. The operator, already on her way to the hospital to bring passengers for regular appointments, brings the woman to the emergency room.

FTA test _____ No FTA test _____

Scenario 11b – Post-Accident

Same scenario as previous slide, but the operator is driving cautiously, and the elderly woman falls of her own accord. The operator, already on her way to the hospital to bring passengers for regular appointments, brings the woman to the emergency room.

FTA test _____ No FTA test _____

Scenario 12 – Post-Accident

A paratransit operator legally parked the vehicle on a busy street. The operator opened the driver side door into traffic. A private vehicle, hit the open door, removing it from the paratransit van. The private vehicle had a small dent. The paratransit operator called for a tow, in line with company policy of not driving a vehicle if unsafe.

FTA test _____ No FTA test _____

Scenario 13 – Post-Accident

While riding the public transit bus to school, a student suffered a heart issue that led to a seizure, along with oxygen deprivation.

EMS arrived and initiated resuscitation before the student was taken to Acme Health Center.

FTA test _____ No FTA test _____

Scenario 14 – Post-Accident

As a Red Line Train pulls into Pioneer Square, the operator does not sufficiently slow when met with a yellow light and overruns the red-light signal. The vehicle is taken out of service for a maintenance check.

FTA test _____ No FTA test _____

Scenario 15 – Post-Accident

As a Blue Line Train pulls into Beaverton, an individual jumps or falls onto the tracks in front of the train, as the train, traveling at a proper speed, pulls into the station. The individual is killed instantly.

The line is shut down the vehicle is taken out of service.

FTA test _____ No FTA test _____

Scenario 16 – Post-Accident

The transit supervisor arrives at 6 a.m. at the bus garage and begins pre-trip inspections of the vehicles. He immediately notices fluid on the garage floor that appears to be brake, coolant, and transmission fluid. He finds a vehicle that has significant front end damage. The log says vehicle was brought back at 10 p.m. last night.

FTA test _____ No FTA test _____

Thank you!

We are always here to help:
FTA D&A Project Office (U.S. DOT/Volpe
Center, Cambridge, MA
Hotline: (617) 494-6336
fta.damis@dot.gov

Stay Safe!



FEDERAL TRANSIT ADMINISTRATION