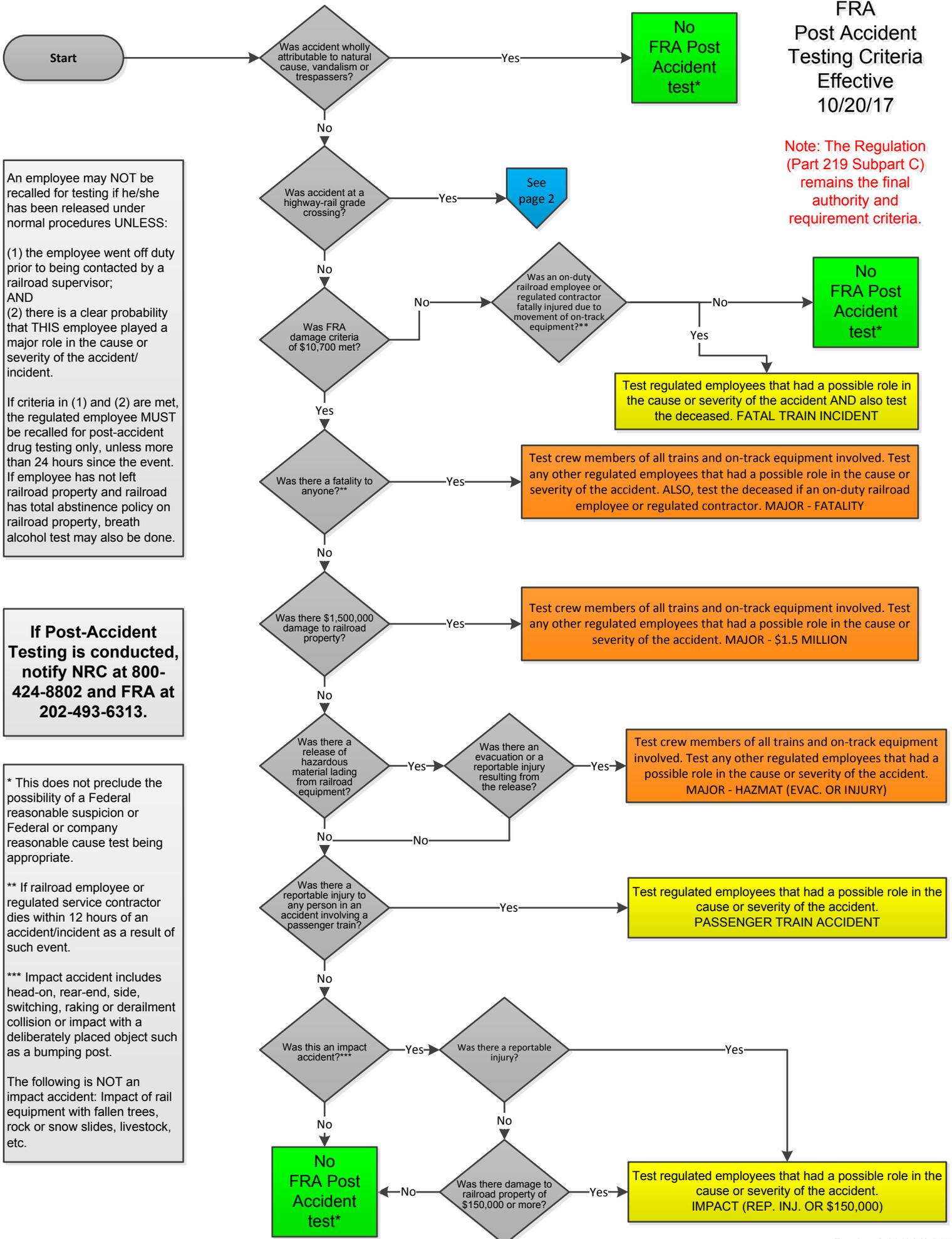


FRA  
Post Accident  
Testing Criteria  
Effective  
10/20/17

Note: The Regulation  
(Part 219 Subpart C)  
remains the final  
authority and  
requirement criteria.



An employee may NOT be recalled for testing if he/she has been released under normal procedures UNLESS:

(1) the employee went off duty prior to being contacted by a railroad supervisor;  
AND  
(2) there is a clear probability that THIS employee played a major role in the cause or severity of the accident/ incident.

If criteria in (1) and (2) are met, the regulated employee MUST be recalled for post-accident drug testing only, unless more than 24 hours since the event. If employee has not left railroad property and railroad has total abstinence policy on railroad property, breath alcohol test may also be done.

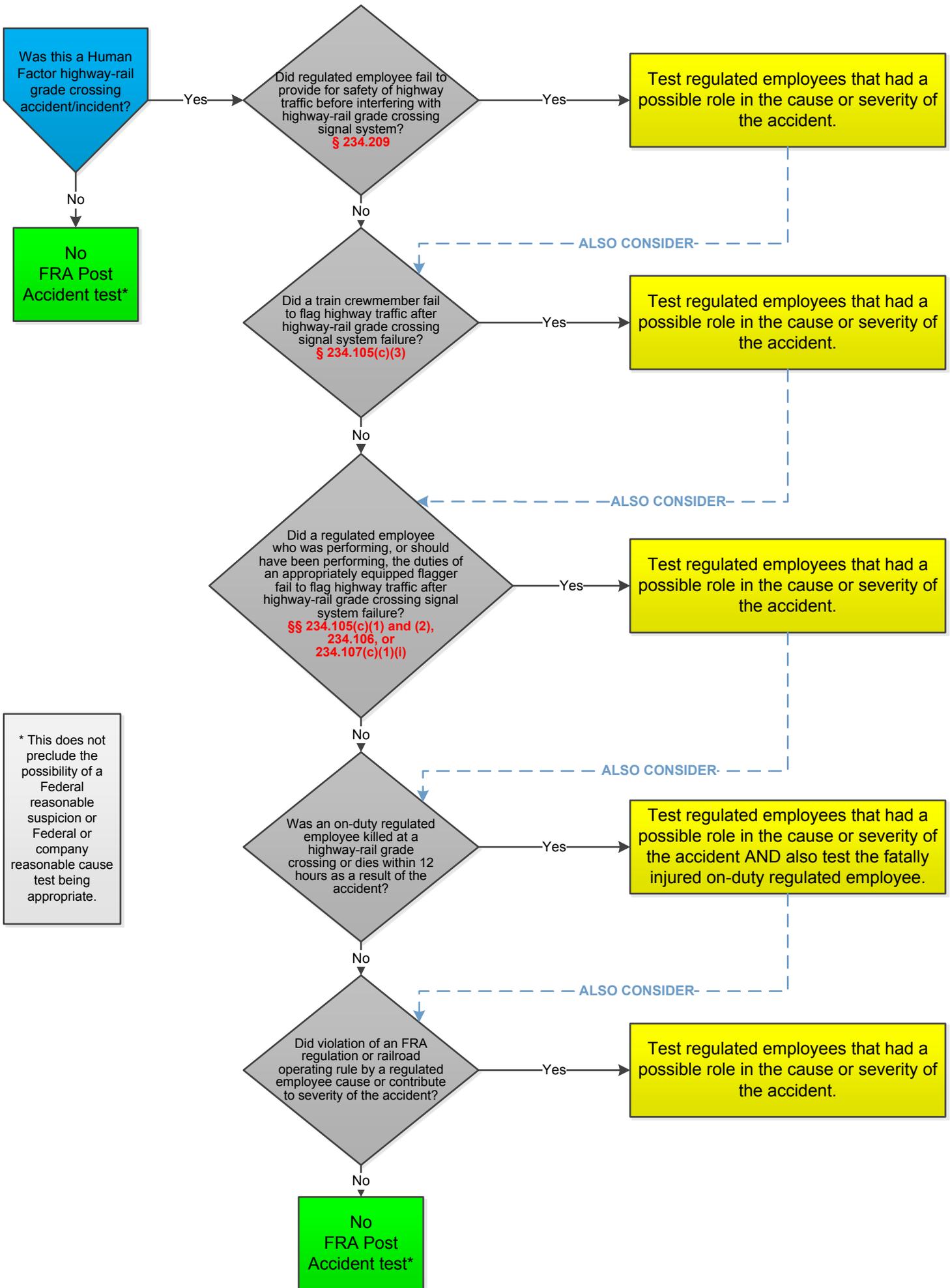
**If Post-Accident Testing is conducted, notify NRC at 800-424-8802 and FRA at 202-493-6313.**

\* This does not preclude the possibility of a Federal reasonable suspicion or Federal or company reasonable cause test being appropriate.

\*\* If railroad employee or regulated service contractor dies within 12 hours of an accident/incident as a result of such event.

\*\*\* Impact accident includes head-on, rear-end, side, switching, raking or derailment collision or impact with a deliberately placed object such as a bumping post.

The following is NOT an impact accident: Impact of rail equipment with fallen trees, rock or snow slides, livestock, etc.



\* This does not preclude the possibility of a Federal reasonable suspicion or Federal or company reasonable cause test being appropriate.

## FRA POST-ACCIDENT TESTING GUIDANCE & DEFINITIONS

### QUALIFYING CRITERIA

1. Major Train Accident<sup>1</sup> \_\_\_\_\_ \$10,700 reportable damage (2017); and  
\_\_\_\_\_ Fatality; or  
\_\_\_\_\_ \$1 Million railroad property damage; or  
\_\_\_\_\_ Release of hazmat lading & evacuation; or  
\_\_\_\_\_ Release of hazmat lading & reportable injury from product
2. Impact Accident<sup>2</sup> \_\_\_\_\_ \$10,700 reportable damage (2017); and  
\_\_\_\_\_ Reportable injury; or  
\_\_\_\_\_ \$150,000 or more reportable property damage
3. Passenger Train Accident<sup>3</sup> \_\_\_\_\_ \$10,700 reportable damage (2017); and  
\_\_\_\_\_ Reportable injury to a person in the train accident
4. Fatal Train Incident<sup>4</sup> \_\_\_\_\_ Fatality to an on-duty railroad employee or hours of service contractor

NOTE: The REPORTING THRESHOLD (\$10,700 reportable railroad property damage in 2017) must be met for all of the above, except for the Fatal Train Incident.

### EXCEPTIONS FROM TESTING:

- Collision between railroad rolling stock and a motor vehicle or other highway conveyance at a highway-rail grade crossing<sup>5</sup>
- An accident/incident, the cause and severity of which are **wholly attributable** to:
  - (a) Natural cause (e.g., flood, tornado or other natural disaster); or
  - (b) Vandalism or trespasser(s)

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<sup>1</sup> 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), including an accident involving a switching movement. Rail equipment accidents are collisions, derailments, fires, explosions, acts of God, & other events involving the operation of on-track equipment (standing or moving) that result in damages higher than the current reporting threshold to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs & the costs for acquiring new equipment & material.

<sup>2</sup> IMPACT ACCIDENT means a train accident (i.e., a rail equipment accident involving damage in excess of the current reporting threshold) consisting of a head-on collision, a rear-end collision, or impact with a deliberately placed obstruction such as a bumping post (not derail). The following are NOT impact accidents (but could meet the criteria for other qualifying accidents): (a) An accident in which the derailment of equipment causes an impact with other rail equipment; (b) Impact of rail equipment with obstructions such as fallen trees, rock or snow slides, livestock, etc.; and (c) Raking collisions caused by derailment of rolling stock or operation of equipment in violation of clearance limitations (see definition of raking collision).

<sup>3</sup> PASSENGER TRAIN means a train transporting persons (other than 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.

<sup>4</sup> TRAIN INCIDENT means an event involving the movement of railroad on-track equipment that results in a casualty but in which the railroad property damage does not exceed the reporting threshold.

<sup>5</sup> HIGHWAY-RAIL GRADE CROSSING means a location where a public highway, road, street, or private roadway, including associated sidewalks & pathways, crosses one or more railroad tracks at grade.

## **DECIDING WHO TO TEST:**

- (A) For a Major Train Accident – Test “all crewmembers” of all involved trains [and others per (D) below]
- (B) For an Impact Accident, Passenger Train Accident, or Fatal Train Incident – Employees must be excluded from testing if railroad representative can immediately determine, on the basis of specific information, that the employee had no role in the cause(s) or severity of the accident/incident (except the remains of all fatally injured employees involved in a qualifying event must be tested)
- (C) If an Impact Accident, Passenger Train Accident, or Fatal Train Incident also meets the criteria of a Major Train Accident – Test “all crewmembers” of all involved trains [and others per (D) below].
- (D) Other Hours of Service Employees: For all four types of accident/incidents, test other involved covered service employees such as an operator, train dispatcher, or signal employee if they are directly & contemporaneously involved in the circumstances of the accident/incident.

**EMPLOYEE FATALITIES:** Remains are always tested if employee dies within 12 hours of a qualifying accident or incident.

**WHEN EMPLOYEES MAY BE RECALLED FOR TESTING:** An employee may not be recalled for testing if released from duty under normal procedures, except they may be recalled if “all” three criteria are met, as follows:

1. Could not be retained in duty status because they went off duty prior to being notified; and
2. Preliminary investigation indicates a clear probability the employee played a major role in the cause or severity; and
3. The accident/incident actually occurred during the employee’s duty tour.

## **OTHER DEFINITIONS**

**ON-TRACK EQUIPMENT:** Note that the *FRA Guide for Preparing Accident/Incident Reports* defines on-track equipment to include an equipment consist (train, locomotive, cut of cars, or a single car not coupled to another car or locomotive), locomotive, motorcar, train, yard switching train, or work train. These definitions include a track motorcar, hi-rail vehicle, push car, crane, ballast tamping machine.

**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).

**HEAD-ON COLLISION:** A collision in which the trains or locomotives involved are traveling in opposite directions on the same track.

**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).

**REAR-END COLLISION:** A collision in which the trains or locomotives involved are traveling in the same direction on the same track.

**REPORTABLE DAMAGE:**

Includes:

- Labor costs and all other costs to repair or replace in kind, damaged on-track equipment, signals, track, track structures (including bridges or tunnels), or roadbed. Labor costs include hourly wages, transportation costs, and hotel expenses, but not fringe benefits or overhead.
- Rental and/or operation of machinery such as cranes, bulldozers, including the services of contractors to replace or repair the track right-of-way and associated structures.
- Costs associated with the repair or replacement of roller bearings on units that were derailed or submerged in water (replacement costs include the labor costs resulting from a wheel set change out).

It does NOT include:

- The cost of clearing a wreck; however, additional damage to the above listed items caused while clearing the wreck is to be included in your damage estimate.
- Damage to trailers/containers on flat cars (considered lading); however, damage to a flat car carrying a trailer/container is included.

**QUESTIONS:**

If you have questions on FRA post-accident testing, please call FRA's Drug & Alcohol Program Managers at (202) 493-6313 or (615) 719-2951.