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.

* 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 railroad equipment with fallen trees, rock or snow slides, livestock, etc.
Was this a Human Factor highway-rail grade crossing accident/incident?

Yes

Did regulated employee fail to provide for safety of highway traffic before interfering with highway-rail grade crossing signal system? § 234.209

No

Test regulated employees that had a possible role in the cause or severity of the accident.

Did a train crewmember fail to flag highway traffic after highway-rail grade crossing signal system failure? § 234.105(c)(3)

Yes

Test regulated employees that had a possible role in the cause or severity of the accident.

No

Test regulated employees that had a possible role in the cause or severity of the accident.

Test regulated employees that had a possible role in the cause or severity of the accident AND also test the fatally injured on-duty regulated employee.

Did a regulated employee who was performing, or should have been performing, the duties of an appropriately equipped flagger fail to flag highway traffic after highway-rail grade crossing signal system failure? §§ 234.105(c)(1) and (2), 234.106, or 234.107(c)(1)(i)

Yes

Test regulated employees that had a possible role in the cause or severity of the accident.

No

Test regulated employees that had a possible role in the cause or severity of the accident.

Did violation of an FRA regulation or railroad operating rule by a regulated employee cause or contribute to severity of the accident?

Yes

Test regulated employees that had a possible role in the cause or severity of the accident.

No

Test regulated employees that had a possible role in the cause or severity of the accident.

No FRA Post Accident test*

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