

May 18, 1990

Mr. Jay C. Rounds
Director of Personnel Services
City of Palo Alto
P.O. Box 10250
Palo Alto, CA 94303

Dear Mr. Rounds:

Your letter of April 20, 1990, to Cesar De Leon requests our assistance in determining whether positions called Communication Dispatcher, Chief Communications Dispatcher, and Manager Communications Operations, which have duties in connection with the City's natural gas distribution system, are subject to drug testing under 49 CFR Part 199.

A person is subject to drug testing under Part 199 when that person performs on a gas pipeline an operation, maintenance, or emergency-response function that is regulated by 49 CFR Part 192. (See the Part 199 definition of "employee.") This jurisdictional test may be transformed into two questions, both of which must be answered affirmatively for Part 199 to require drug testing of a person working on a gas pipeline:

- (1) Does the function the person performs involve operation of a pipeline, maintenance of a pipeline, or response to a pipeline emergency?
- (2) Is the function the subject of a Part 192 regulation?

The information you provided indicates that the Communications Dispatcher receives calls about pipeline emergencies and dispatches service personnel. These functions involve responses to a pipeline emergency that are regulated under § 192.615. Therefore, persons in the position of Communications Dispatcher are subject to drug testing under Part 199.

Persons in the Chief Communications Dispatcher position and Manager Communications Operations position would not be subject to drug testing for directing the work of the Communications Dispatchers. However, if they perform either of the above functions of the Communications Dispatcher or any of the other emergency communications functions regulated by § 192.615, such as notifying fire and police officials, they would be subject to drug testing.

I trust this adequately responds to your inquiry.

Sincerely,

George W. Tenley, Jr.
Director
Office of Pipeline Safety