

December 13, 1991

Mr. Dennis J. Okenfuss  
Manager of Labor Relations  
Eastern Operations  
KPL Gas Service  
2460 Pershing Road  
Kansas City, MO 64108

Dear Mr. Okenfuss:

This is in response to your letter of July 30, 1991, requesting guidance concerning the manner in which your company performs random drug testing of its employees covered under 49 CFR Part 199 and Part 391.

The Federal Highway Administration (FHWA) published a final rule in the Federal Register on August 16, 1991, (56 FR 40806) on implementation dates on controlled substances testing for random and post-accident provisions.

The FHWA rule became effective on **November 14, 1991**, for motor carriers with 50 or more drivers subject to testing, and becomes effective **January 1, 1992**, for all other motor carriers.

A company may use a single plan to cover both pipeline workers and truck drivers. The rules governing drug testing of pipeline workers and truck drivers are intended to be substantially the same; however, the anti-drug plan must be designed to meet the most stringent requirements of either the Research and Special Programs Administration (RSPA) or FHWA rules.

Pipeline operators who are considering adding their drivers to their existing random pool required under the RSPA regulations should consider all the requirements of the FHWA rule before proceeding. The FHWA final rule requires motor carriers to institute random testing and insure that:

- a. The testing period is spread reasonably through the 12-month period;
- b. The test collection during the year is conducted at an annualized rate of 50 percent; and
- c. The total number of tests conducted during the 12 months is equal to at least 25 percent of the drivers subject to testing for the first year.

All pipeline operators have now completed their first year of phased-in random testing and are now required to conduct random testing at the 50 percent annualized rate. A copy of the Federal

Register Notice is enclosed for more complete review. If you combine the FHWA and RSPA covered employees into one random selection pool, then the testing rate would be conducted at the 50 percent rate.

Thank you for your inquiry. Please let me know if you need any more information about our drug testing requirements.

Sincerely,

Richard L. Rippert  
Drug Compliance Coordinator  
Office of Pipeline Safety

Enforcement