



U.S. Department  
of Transportation

Federal Railroad  
Administration

# Memorandum

cc: ALP  
Leaman, Jordan  
Chiefs

RMOT 8/7

Date:

AUG 1 1995

Reply to Attn. of:

OP-95-07

Subject:

**Action: Time Limitation for Reasonable Suspicion Breath Test**

From:

*Edward R. English*  
Edward R. English  
Director, Office of Safety  
Enforcement

To:

Regional Administrators

In the application of Title 49 CFR Section 219.302(f), use of the term "test" refers to breath test for alcohol only.

If the breath test required for mandatory reasonable suspicion testing is not administered within two hours following the determination under Section 219.300, the railroad shall prepare and maintain on file a record stating the reason the test was not properly administered.

The attempt to administer the breath test required for mandatory reasonable suspicion testing shall cease if not successfully accomplished within eight hours following the determination under Section 219.300. Additionally, an annotation shall be made to the record mentioned above stating the reasons for not administering the test.

Testing of an employee under Federal authority, for reasonable suspicion or reasonable cause, may be conducted after the expiration of the hours of service provided that documentable due diligence is demonstrated by the railroad.

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