



Office of the Secretary

[Docket No. DOT-OST-2026-0133]

Privacy Act of 1974; System of Records

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, DOT/FRA proposes to establish a new system of records titled “DOT/FRA 133, Post-Accident Toxicological Testing Records (PATTR).” This system will maintain electronic records associated with toxicological testing conducted under 49 CFR part 219, subpart C. Records include required forms, laboratory test results, supporting documentation, and memoranda prepared by FRA staff evaluating whether alcohol or drug use may have been a factor in a qualifying railroad accident or incident.

DATES: Submit comments on or before [*insert date 30 days from the publication date in the Federal Register*]. The Department may publish an amended Systems of Records Notice considering any comments received. This new system of records will be effective immediately upon publication. The routine uses will be effective [*insert date 30 days from the publication date in the Federal Register*].

ADDRESSES: You may submit comments, identified by docket number DOT-OST-2026-0133 by any of the following methods:

- *Federal e-Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- *Instructions:* You must include the agency name and docket number DOT-OST-2026-0133.

All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. All comments received will be posted without change

to <https://www.regulations.gov>, including any personal information provided. You may review the Department of Transportation’s complete Privacy Act statement in the Federal Register published on April 11, 2000 (65 FR 19477–78).

Privacy Act: Anyone can search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> or to the street address listed above. Follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: For questions, please contact Karyn Gorman, Departmental Chief Privacy Officer, Department of Transportation, Washington, DC 20590, Email: privacy@dot.gov, Tel. (202) - 603-8321.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, DOT/FRA is proposing a new system of records titled, “DOT/FRA 133 - Post-Accident Toxicological Testing Records.” This system of records supports the FRA Office of Railroad Safety in the collection, processing, and storage of information related to post-accident toxicological testing, serving as the repository for new and legacy FRA post-accident toxicological testing program records, including program documentation and specimen lab results. The records covered by this notice are used to support FRA in implementing the requirements of Title 49 Code of Federal Regulations (CFR) part 219, subpart C—Post-accident toxicological testing (subpart C). Memoranda will be prepared by

FRA alcohol and drug testing specialists summarizing information about post-accident toxicological test results and analyzing whether alcohol or drug use played a role in causing the accident/incident. Records may also be added to FRA's Factual Accident Reporting System (FARS) as part of FRA accident investigations.

After a railroad accident or incident that qualifies for post-accident toxicological testing (a "qualifying event"), Subpart C requires rail industry employers to perform specimen collections and submit the specimens for testing to FRA's contract laboratory, along with basic information forms and collection forms. The laboratory reports the results directly to FRA and, when authorized, to the employer's Medical Review Officer (MRO), who then provides the results to the employee. As provided by 49 CFR 219.211(d), FRA may share post-accident toxicological test results and supporting documentation with the National Transportation Safety Board (NTSB) when requested or may publicly disclose test results where necessary to consider them in an accident investigation in relation to determination of probable cause. Employees may request retests of specimens or submit written responses within 45 days of receiving their results. The Post-Accident Toxicological Testing Records will be included in DOT's inventory of Privacy Act system of records notices.

Privacy Act

The Privacy Act (5 U.S.C. 552a) governs how the Federal Government collects, maintains, and uses personally identifiable information (PII) in a System of Records. A "System of Records" is a group of any records under the control of a federal agency from which information about individuals is retrieved by name or other personal identifier. The Privacy Act requires each agency to publish in the **Federal Register** a System of Records Notice (SORN) identifying and describing each System of Records the agency maintains, including the purposes for which the agency uses PII in the system, the routine uses for which the agency discloses such information outside the agency, and how individuals to whom a Privacy Act record pertains can exercise their rights under the Privacy Act (e.g., to determine if the system contains information

about them and to contest inaccurate information). In accordance with 5 U.S.C. 552a(r), DOT has provided a report of this system of records to the Office of Management and Budget (OMB) and to Congress.

SYSTEM NAME AND NUMBER:

DOT/FRA 133 – Post-Accident Toxicological Testing Records

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

Records are maintained in a FedRAMP-certified third-party cloud environment. The contracts are maintained by DOT at Federal Railroad Administration, Office of Information Technology, 1200 New Jersey Ave., SE, Washington, DC 20590.

SYSTEM MANAGER(S):

Part 219 Staff Director, RRS-25, Office of Railroad Safety, FRA, Department of Transportation, 1200 New Jersey Ave., SE, Washington, DC 20590. Email: FRA-DrugAlcoholProgram.email@dot.gov.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 CFR part 219, subpart C—Post-Accident Toxicological Testing; specifically, 49 U.S.C. 20103, 20107, 20140, 21301, 21304, 21311; 28 U.S.C. 2461 note; Div. A, Sec. 412, Pub. L. 110-432, 122 Stat. 4889 (49 U.S.C. 20140 note); Sec. 8102, Pub. L. 115-271, 132 Stat. 3894; and 49 CFR 1.89.

PURPOSE(S) OF THE SYSTEM:

Support FRA accident and incident investigations by providing toxicological testing results and documentation relevant to determining whether alcohol or drug use contributed to a qualifying accident or incident and deter alcohol and drug misuse by regulated rail industry employees. The system serves as the authoritative repository for program documentation, test

results and related memoranda, and enables FRA to meet all requirements of 49 CFR part 219, subpart C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals within this system include railroad industry employees and/or contractor employees who are regulated employees. “Regulated employee” is defined in 49 CFR 219.5 to include a railroad employee or contractor employee who performs locomotive engineer, conductor, signal, dispatch, maintenance-of-way, or covered mechanical functions. The system also includes any on-duty railroad employees or contractor employees who were fatally injured in a qualifying event while performing duties for the railroad, regardless of whether they were regulated employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in the system include the following information:

- Information contained on DOT forms FRA F 6180.73, FRA F 6180.74, FRA F 6180.75, and DOT F 1380 (ATF), including names, job titles, home addresses, work addresses, telephone numbers, employer information, signatures, specimen identification numbers, and associated administrative data.
- Contact information, job titles, employer information, signatures, initials, accident identifiers, and specimen identification numbers.
- Documentation of employee responses, retest requests, or authorized disclosures under subpart C.
- Laboratory results for urine, blood, body fluid, or tissue specimens; MRO reports and verifications; and documentation of medication use or medical conditions relevant to testing.
- Requests for retesting, employee or contractor responses submitted under 49 CFR 219.211(e), and NTSB requests for toxicology data.

- Memoranda prepared by FRA specialists summarizing and analyzing test results (referencing employees only by job title).
- Legacy documents that may contain un-redacted Social Security Numbers (SSNs) or Employee Identification Numbers (EINs).

RECORD SOURCE CATEGORIES:

Records are obtained from rail industry employers and their representatives, railroad and contractor employees, Medical Review Officers, FRA’s contract laboratory and any referee laboratory, and NTSB.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to other disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DOT as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

System Specific Routine Uses

1. To employer Medical Review Officers for purposes of verifying laboratory positive results in accordance with 49 CFR 219.103.
2. To NTSB, as authorized under 49 CFR 219.211(d) and (h), to assist and support NTSB when investigating railroad accidents.
3. To the public, where necessary to support FRA’s consideration of toxicology results in accident or incident investigations, consistent with 49 CFR 219.211(d).
4. To FRA-regulated employers that employ an individual with a verified positive post-accident test result indicating alcohol or drug use prohibited under FRA regulations at 49 CFR 219.101 and 219.102.
5. To DOT-regulated employers for compliance with return-to-duty requirements under DOT drug and alcohol testing regulations at 49 CFR 219.104(d) and 49 CFR part 40.

Department General Routine Uses

6. In the event that a system of records maintained by DOT to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
7. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a DOT decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.
8. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
 - 9a. Routine Use for Disclosure for Use in Litigation. It shall be a routine use of the records in this system of records to disclose them to the Department of Justice or other Federal agency conducting litigation when— (a) DOT, or any agency thereof, or (b) Any employee of DOT or any agency thereof, in his/her official capacity, or (c) Any employee of DOT or any agency thereof, in his/her individual capacity where the Department of Justice has agreed to represent the employee, or (d) The United States or any agency

thereof, where DOT determines that litigation is likely to affect the United States, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or other Federal agency conducting the litigation is deemed by DOT to be relevant and necessary in the litigation, provided, however, that in each case, DOT determines that disclosure of the records in the litigation is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

9b. Routine Use for Agency Disclosure in Other Proceedings. It shall be a routine use of records in this system to disclose them in proceedings before any court or adjudicative or administrative body before which DOT or any agency thereof, appears, when— (a) DOT, or any agency thereof, or (b) Any employee of DOT or any agency thereof in his/her official capacity, or (c) Any employee of DOT or any agency thereof in his/her individual capacity where DOT has agreed to represent the employee, or (d) The United States or any agency thereof, where DOT determines that the proceeding is likely to affect the United States, is a party to the proceeding or has an interest in such proceeding, and DOT determines that use of such records is relevant and necessary in the proceeding provided, however, that in each case, DOT determines that disclosure of the records in the proceeding is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

10. The information contained in this system of records will be disclosed to the Office of Management and Budget, OMB, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

11. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In such cases, however, the Congressional office does not have greater rights to records than

the individual. Thus, the disclosure may be withheld from delivery to the individual where the file contains investigative or actual information or other materials which are being used, or are expected to be used, to support prosecution or fines against the individual for violations of a statute, or of regulations of the Department based on statutory authority. No such limitations apply to records requested for Congressional oversight or legislative purposes; release is authorized under 49 CFR 10.35(9).

12. One or more records from a system of records may be disclosed routinely to the National Archives and Records Administration in records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.
13. It shall be a routine use of the information in any DOT system of records to provide to the Attorney General of the United States, or his/her designee, information indicating that a person meets any of the disqualifications for receipt, possession, shipment, or transport of a firearm under the Brady Handgun Violence Prevention Act. In case of a dispute concerning the validity of the information provided by DOT to the Attorney General, or his/her designee, it shall be a routine use of the information in any DOT system of records to make any disclosures of such information to the National Background Information Check System, established by the Brady Handgun Violence Prevention Act, as may be necessary to resolve such dispute.
- 14a. DOT may disclose records from this system to appropriate agencies, entities, and persons when: (1) DOT suspects or has confirmed that there has been a breach of the system of records; (2) DOT has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOT (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DOT's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

- 14b. DOT may disclose records from this system to another Federal agency or Federal entity, when DOT determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in: (1) responding to a suspected or confirmed breach; or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.
15. DOT may disclose records from this system, as a routine use, to the Office of Government Information Services for the purpose of: (1) resolving disputes between Freedom of Information Act (FOIA) requesters and Federal agencies; and (2) reviewing agencies' policies, procedures, and compliance in order to recommend policy changes to Congress and the President.
16. DOT may disclose records from this system, as a routine use, to contractors and their agents, experts, consultants, and others performing or working on a contract, service, cooperative agreement, or other assignment for DOT, when necessary to accomplish an agency function related to this system of records.
17. DOT may disclose records from this system, as a routine use, to an agency, organization, or individual for the purpose of performing audit or oversight operations related to this system of records, but only such records as are necessary and relevant to the audit or oversight activity. This routine use does not apply to intra-agency sharing authorized under Section (b)(1) of the Privacy Act.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored electronically on a contractor-maintained cloud storage service and only accessed by authorized personnel with a need to know.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Post-Accident Toxicological Testing records are retrieved by selecting:

- The case number assigned to the qualifying event and then the name of a railroad employee or contractor employee involved in the qualifying event who provided a specimen(s) for post-accident toxicological testing. Post-Accident Toxicological Testing records can be listed and selected by the name of the railroad employee or contractor employee.
- The specimen identification number (a function is seldom used by FRA alcohol and drug testing specialists).

The system does not retrieve records by other personal identifiers such as SSN, EIN, or birth date.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Post-Accident Toxicological Testing records will be maintained as permanent records in accordance with the National Archives and Records Administration (NARA) retention disposition schedule (RDS) currently designated for PATTS II (N1-399-08-09, Item 3). The records are transferred to NARA on an annual basis. FRA will temporarily maintain case file attachments (scanned inputs that are used to validate the data input or verify that the data was collected and tested properly) for at least 10 years in accordance with NARA Schedule N1-399-08-09, Item 2. For system data consisting of drug and alcohol test results, accident and railroad information, and scanned images of key documents sent to the testing laboratory, FRA will temporarily maintain these records for at least 7 years in accordance with NARA Schedule N1-399-08-09, Item 1.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DOT automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records is limited to authorized individuals who would have a need to know the information for the performance of their official duties and have

the appropriate clearances or security credentials. FRA deploys role-based access controls in addition to other protection measures reviewed and certified by FRA's cybersecurity professionals to maintain the confidentiality, integrity, and availability requirements of the system.

RECORD ACCESS PROCEDURES:

Individuals seeking access to, and notification of any record contained in this system of records or seeking to contest its content may submit a request online via the Department of Transportation Public Access Link (PAL) at <https://pal.dot.gov/>. Requests submitted through these electronic channels must include a digital certification of identity.

Individuals may also submit a request in writing to the System Manager to the address provided under "System Manager and Address" above.

When an individual seeks records about himself or herself from this system of records or any other Departmental system of records, the request must conform with the Privacy Act regulations set forth in 49 CFR Part 10. The individual's request must verify their identity by providing their full name, current address, and date and place of birth. The individual must sign the request, and the individual's signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. No specific form is required, but forms are available at <https://www.transportation.gov/resources/individuals/privacy/making-privacy-act-request>.

In addition, the individual should:

- Explain why the individual believes the Department would have information on them.
- Identify which component(s) of the Department the individual believes may have the information about them.
- Specify when the individual believes the records would have been created and provide any other information that will help FRA.

If an individual's request is seeking records pertaining to another living individual, the first individual must include a statement from the second individual certifying his/her agreement for the first individual to access his/her records. Without the above information, the component(s) may not be able to conduct an effective search, and the individual's request may be denied due to a lack of specificity or compliance with the consent requirements of the Privacy Act statute and regulations. Further information is available at <https://www.transportation.gov/resources/individuals/privacy/making-privacy-act-request>.

CONTESTING RECORD PROCEDURES: See “Record Access Procedures.”

NOTIFICATION PROCEDURES: See “Record Access Procedures.”

EXEMPTIONS PROMULGATED FOR THE SYSTEM: None.

HISTORY: None.

Issued in Washington, DC

Karyn Gorman,

Chief Privacy Officer.

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