

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration**

[Docket No. FRA–2001–11213, Notice No. 27]

**Drug and Alcohol Testing:
Determination of Minimum Random
Testing Rates for 2023**

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

ACTION: Notification of determination.

SUMMARY: This notification of determination announces FRA's minimum annual random drug and minimum annual random alcohol testing rates for employees performing covered service under the hours of service laws (HOS employees), maintenance-of-way (MOW) employees, and mechanical (MECH) employees for calendar year 2023.

DATES: This determination takes effect December 20, 2022.

FOR FURTHER INFORMATION CONTACT:

Gerald Powers, FRA Drug and Alcohol Program Manager, by email: gerald.powers@dot.gov or by telephone: 202–493–6313; or Melissa Van Dermeir, FRA Drug and Alcohol Program Specialist, by email: melissa.vandermeir@dot.gov or by telephone: 312–720–9491.

SUPPLEMENTARY INFORMATION: Each year, FRA sets its minimum annual random testing rates after considering the last two complete calendar years of railroad industry drug and alcohol program data submitted to its Management Information System (MIS). FRA, however, reserves the right to consider factors other than MIS-reported data before deciding whether to lower annual minimum random testing rates. *See* 85 FR 81265 (Dec. 15, 2020).

FRA is announcing that its minimum annual random drug and alcohol testing rates for calendar year 2023 will continue to be as follows:

- HOS employees—25 percent for drugs and 10 percent for alcohol.
- MOW employees—25 percent for drugs and 10 percent for alcohol.
- MECH employees—50 percent for drugs and 25 percent for alcohol.

Because these rates represent minimums, railroads and railroad contractors may conduct FRA random testing at higher rates.

Discussion

Random Testing Rates for HOS Employees

The rail industry's random drug testing positive rate for HOS employees

remained below 1.0 percent for 2020 and 2021. The Administrator has therefore determined the minimum annual random drug testing rate for HOS employees will remain at 25 percent for the period January 1, 2023, through December 31, 2023. The industry-wide random alcohol testing violation rate for HOS employees remained below 0.5 percent for 2020 and 2021. The Administrator has therefore determined the minimum random alcohol testing rate for HOS employees will remain at 10 percent for the period January 1, 2023, through December 31, 2023.

Random Testing Rates for MOW Employees

The rail industry's random drug testing positive rate for MOW employees remained below 1.0 percent for 2020 and 2021. The Administrator has therefore determined the minimum annual random drug testing rate for MOW employees will remain at 25 percent for the period January 1, 2023, through December 31, 2023. The industry-wide random alcohol testing violation rate for MOW employees remained below 0.5 percent for 2020 and 2021. The Administrator has therefore determined the minimum random alcohol testing rate for MOW employees will remain at 10 percent for the period January 1, 2023, through December 31, 2023.

Random Testing Rates for MECH Employees

On February 2, 2022, FRA expanded the scope of its drug and alcohol regulation (49 CFR part 219) to add MECH employees. *See* 87 FR 5719. As it did with HOS employees and MOW employees when they first became subject to random testing, FRA set the initial minimum annual random testing rates for MECH employees at 50 percent for drugs and 25 percent for alcohol. FRA does not yet have the two full years of MIS data required to adjust the random testing rates for MECH employees. The Administrator has therefore determined that the minimum random testing rates for MECH employees will remain at 50 percent for drugs and 25 percent for alcohol for the period January 1, 2023, through December 31, 2023.

Issued in Washington, DC.

Amitabha Bose,
Administrator.

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DEPARTMENT OF TRANSPORTATION**Maritime Administration**

[Docket No. MARAD–2022–0263]

**Coastwise Endorsement Eligibility
Determination for a Foreign-Built
Vessel: JESSIE JAMES (Motor);
Invitation for Public Comments**

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before January 19, 2023.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0263 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD–2022–0263 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0263, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in