

Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations

REGULATORY UPDATES, ISSUES & REQUIREMENTS

US DOT / Volpe Center

NTICC

Chandler, AZ

September 23, 2025







Disclaimer

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Trainer

Michael Redington

Michael.Redington@dot.gov

(617) 494-2197 (W)

(617) 549-5085 (C)

USDOT/Volpe Center Cambridge, MA









Contacts



- Iyon Rosario FTA Drug & Alcohol Senior Program Manager
 (202) 366-2010, fta-dapm@dot.gov
- FTA D&A Project Office (U.S. DOT/Volpe Center, Cambridge, MA)
 Hotline: (617) 494-6336, fta.damis@dot.gov
 - o Jennifer Gissel: (617) 494-3875, <u>Jennifer.Gissel@dot.gov</u>
 - o Lori DeCoste: (617) 494-2379, lori.decoste@dot.gov
 - o Felicity Shanahan: (617) 494-3915, felicity.shanahan@dot.gov
 - o Alexa D'adamo: (617) 494-2028, <u>alexa.dadamo@dot.gov</u>
 - Michael Redington: (617) 494-2197, <u>michael.redington@dot.gov</u>

Where We Stand







FTA Covered Employers

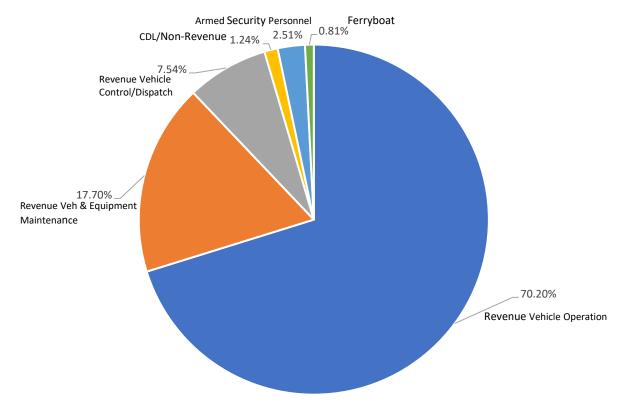
2024 MIS Reporting

- 685 grantees
- o 3,363 employers
- 307,760 safety-sensitive employees

Tribal

- o 62 employers
- 1,246 safety-sensitive employees

Covered Employees by Category

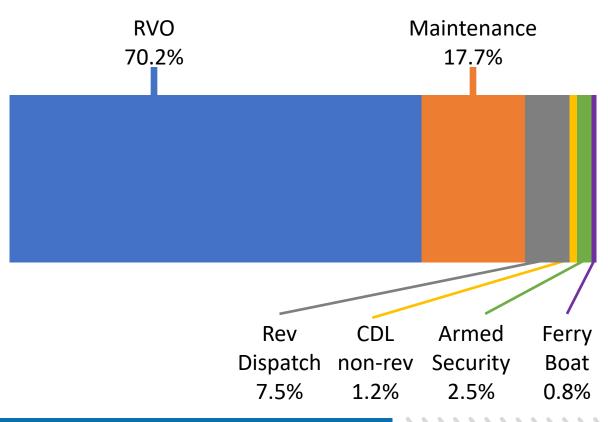


FTA Covered Employers

2024 MIS Reporting

- o 685 grantees
- o 3,363 employers
- 307,760 safety-sensitive employees
- Tribal
 - o 62 employers
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Revenue Vehicle Operation and Maintenance comprise almost 88% of all Covered Employees



Required:

10% Random Alcohol

Total Alcohol Tests 117,232



Total Tribal Alcohol Tests 334

50% Random Drug

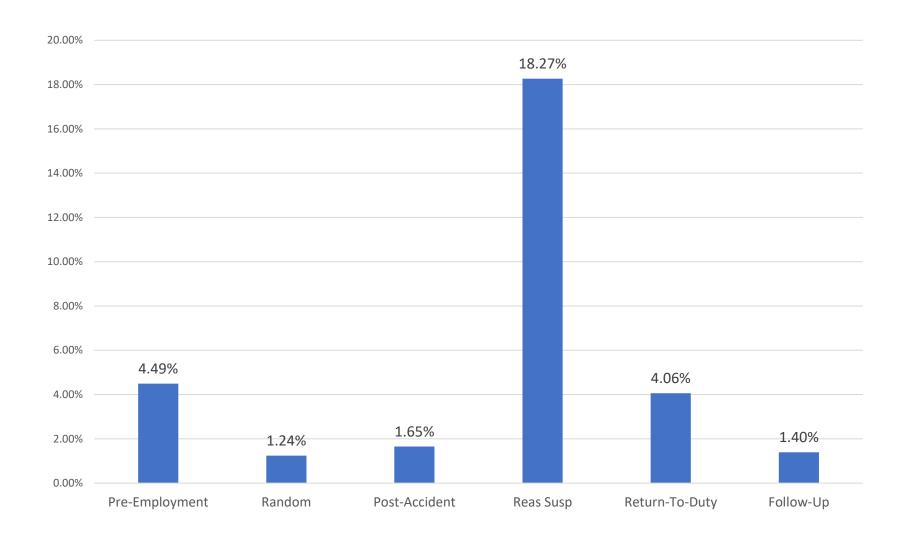
Total Drug Tests 354,332



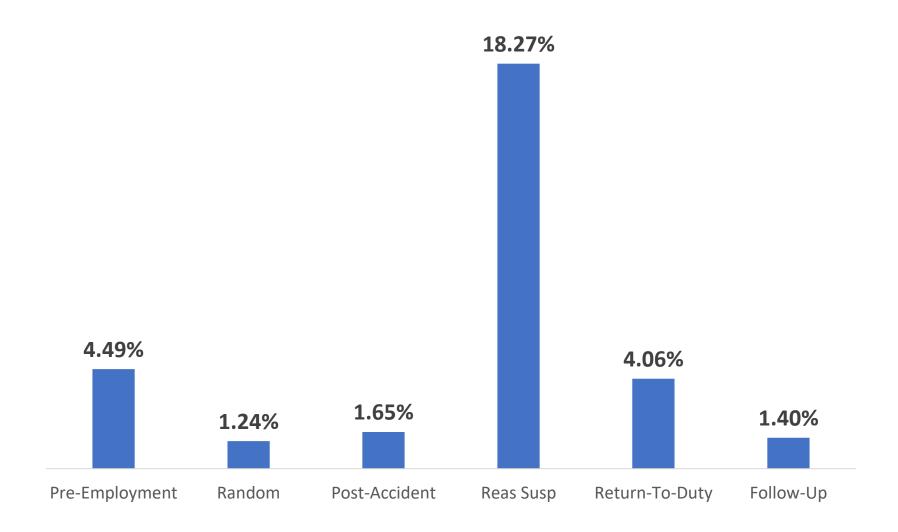
Total Tribal Drug Tests **1,240**



Drug Positive Rate - Test Type (2024)

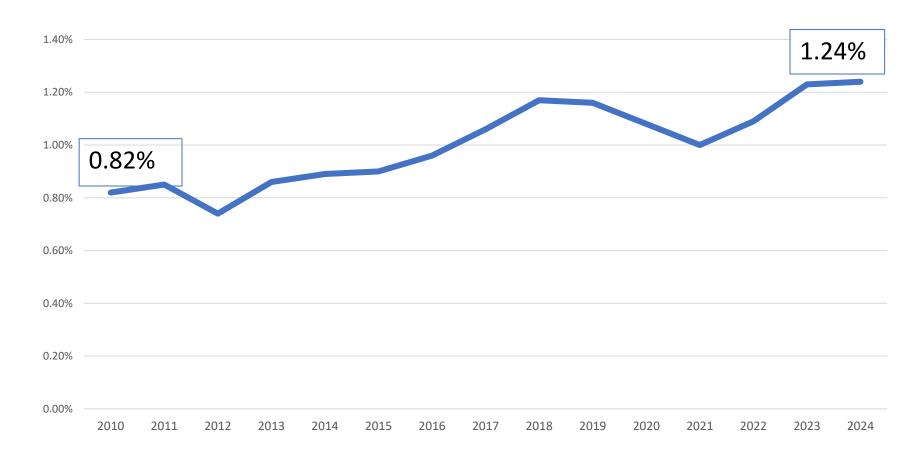


Drug Positive Rate - Test Type (2024)



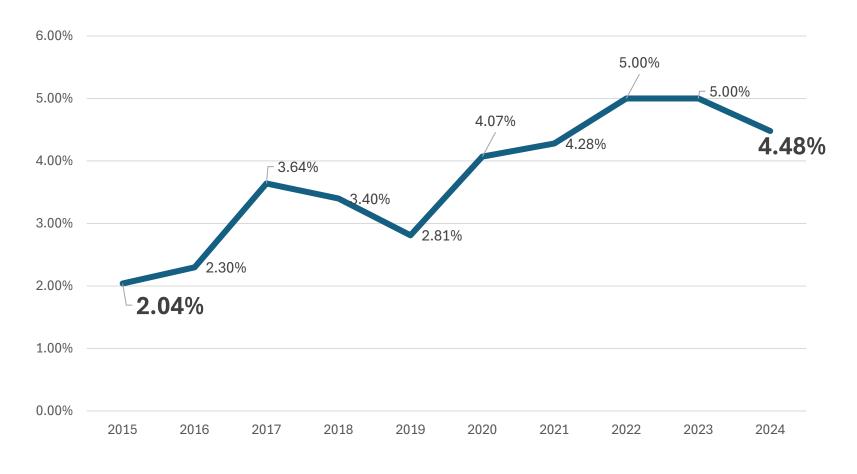
Random Drug Positive Rates (2010 - 2024)

51.2% over 15 years

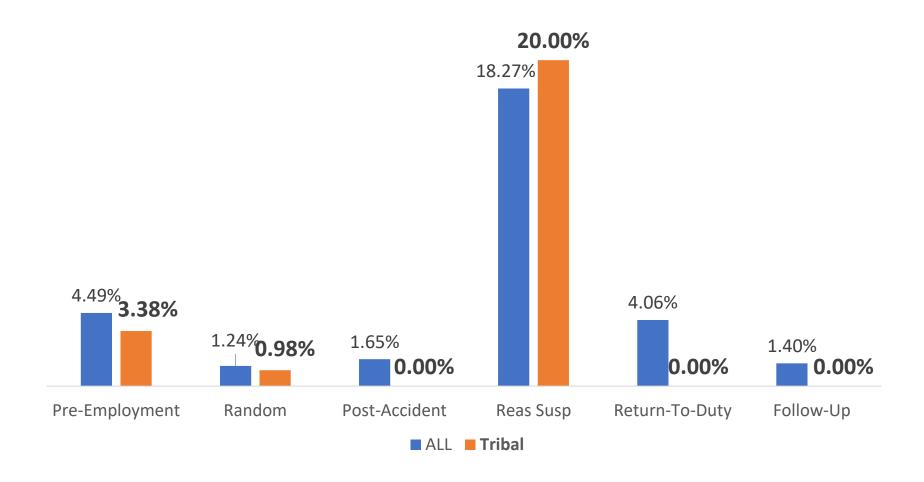


Pre-employment Drug Positive Rates (2015 – 2024)

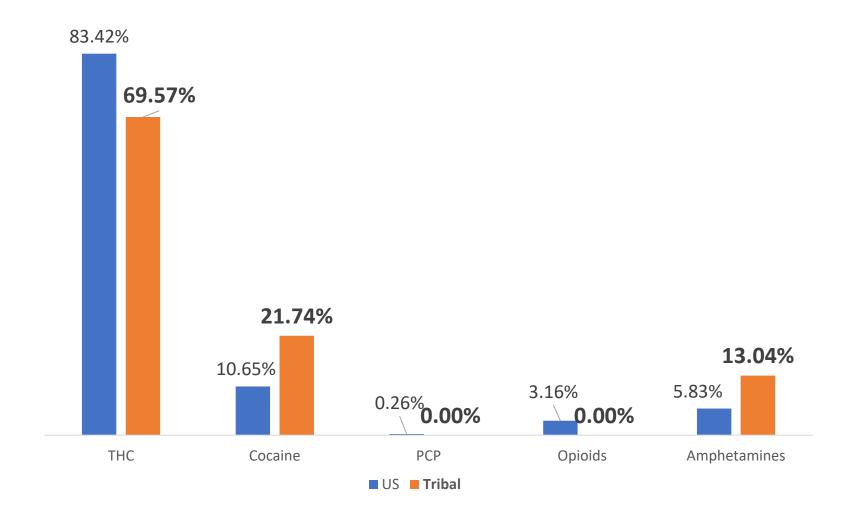
148% increase over 10 years



Drug Positive Rates – All Test Types (ALL vs. TRIBAL)



Drug Type Detected – Positive Drug Tests (All vs. Tribal)





Horizon Issues

- ✓ Adding fentanyl to testing panel
- ✓ THC and state laws
- ✓ FTA minimum testing rates
- ✓ CBD use





Fentanyl – Testing Panel



- July 7, 2025 HHS with Federal Drug-Free Workplace Program did include testing for drug fentanyl.
 - Federal Register Notice 1015-00425.
- September 2, 2025 DOT NPRM (proposed)
 - Add Fentanyl & Norfentanyl to testing panel
 - Authorize biomarker testing
 - Modify analyte nomenclature for marijuana
 - Add 30-day requirement to complete training and mock collections (STT, BAT, Urco)
 - Comment period ends 10/17/2025

THC / Marijuana (Medical and Recreational)

- State/Tribal initiatives no bearing on the USDOT's regulated drug testing program
 - Marijuana remains a Schedule 1 Drug
 - DOT regulations do not authorize marijuana use
 - MRO will not verify drug test as negative based on physician recommended 'medical marijuana'
 - OUse of marijuana is never permitted



- Prohibited at all times
 - Off duty
 - Vacation
 - With a Rx



FTA Minimum Required Random Testing Rates

Remains the same for CY 2026

- o 50% Random Drug
- o 10% Random Alcohol

OT Agency	Drug Testing Rate	Alcohol Testing Rate
FMCSA	50%	10%
FAA	25%	10%
FRA	25% - Covered 25% Maintenance 50% Mechanical	10% - Covered 10% Maintenance 10% Mechanical
FTA	50%	10%
PHMSA	25%	10%

CBD - Cannabidiol



DOT – OFFICE OF DRUG AND ALCOHOL POLICY AND COMPLIANCE (ODAPC)

- Issued Notice February 18, 2020
- Hemp Product up to 0.3% THC... not Controlled Substance
- Any Product >=-0.3% THC is a Controlled Substance

DOT Does NOT Test for CBD

- Not Part of DOT 5-Panel Test
- Will Not Test 'POSITIVE" for CBD

DOT Does Test for THC

• THC is a Schedule 1 Drug

If use of CBD results in THC Positive... It is a DOT Positive

No Legitimate Medical Reason



Requirement – 2025 MIS

- \circ Prepare testing results data for Calendar Year (1/1 12/31)
 - ➤ Based on test date, not result date
- Submit to FTA by March 15th previous CY testing results
 - > CY 2025 Testing Results are Due March 15, 2026



- Must submit only through DAMIS Reporting System
 - https://DAMIS.DOT.GOV
- Certify data for accuracy and completeness
- Must retain a copy of MIS for 5 years
 - ➤ Paper, pdf, electronic file
 - ➤ Grantees should maintain a copy of all contractors / subrecipients





Regulations





The Regulations

49 CFR
Part
655
(FTA)

- Prevention of Alcohol
 Misuse and Prohibited Drug
 Use in Transit Operations
 - who is subject to testing
 - when testing is required

http://transitsafety.fta.dot.gov/drugand alcohol/regulations/regula tions/default.aspx

49 CFR Part 40 (DOT)

- Procedures for
 <u>Transportation Workplace</u>
 Drug and Alcohol Testing
 Programs
 - how to conduct testing
 - how to return an employee to duty after a violation



Applicability 655.3

What <u>employer</u> must have a FTA Drug and Alcohol Program?





Applicability

- Recipients (grantees) of FTA transit funds
 - 5307: Urbanized Area Formula
 - 5309: Transit Capital Investment
 - 5339: Buses and Bus Facilities
 - 5311: Formula Grants for Rural Areas
- Subrecipients and Contractors of FTA Grantee, when Grantee uses the subrecipient/contractor to provide some or all its safetysensitive activities

Exemptions from Part 655



for 5311 grantees (rural)

for 5307, 5309, or 5339 grantees serving areas with a population less than 200,000

on a one-time or limited, ad-hoc basis



Ferryboat Operators



"Taxicab Exception"



Railroads

Covered mostly by United States Coast Guard (USCG)

Need FTA Random Alcohol Testing Taxi operator/ TNC does not provide service under an arrangement with an FTA recipient but is chosen at random by the passenger

Covered primarily under FRA

Commuter rail



5310 Funding Frequently Asked Questions

- Q: Do FTA drug and alcohol program rules apply to recipients and subrecipients that receive funds only from the Enhanced Mobility and Seniors & Individuals with Disabilities Program (49 U.S.C. § 5310) (Section 5310)?
- A: No. Recipients or subrecipients that receive only Section 5310 assistance are not subject to FTA's drug and alcohol program rules at 49 CFR Part 655.
- However, such recipients and subrecipients may be required to comply with other drug and alcohol rules, such as the Federal Motor Carrier Safety Administration (FMCSA) rules, which cover employees required to hold a commercial driver's license (49 CFR Part 382).

5310 Funding Frequently Asked Questions

- Q: Are recipients or subrecipients of Section 5310 funds receiving federal assistance under 49 U.S.C. §§ 5307, 5309, or 5311 required to comply with the FTA drug and alcohol program rules?
- A: Yes. The FTA drug and alcohol program rules apply to recipients and subrecipients of the Urbanized Area Program (49 U.S.C. § 5307), Capital Investment Grants Program (49 U.S.C. § 5309), and Rural Area Program (49 U.S.C. § 5311) funds, as well as their contractors and subcontractors. Therefore, recipients and subrecipients of Section 5310 funding that also receive funding under one or more of the covered FTA programs (Section 5307, 5309, or 5311) must include any safety-sensitive employees funded under the Section 5310 program in their DOT/FTA testing program.
- Employers do not need to create a separate testing program for employees funded under Section 5310. Those employees may be included in the existing testing program.

5310 Funding Frequently Asked Questions

- Q: If the State or designated recipient of Section 5310 funds also is a direct recipient of Section 5307, Section 5309, or Section 5311 funds but provides only Section 5310 funds to a subrecipient, is the subrecipient covered by the FTA drug and alcohol rules?
- A: No. Subrecipients that receive only Section 5310
 assistance are not subject to FTA's drug and alcohol program
 rules.
- Q: Can a recipient of Section 5307, 5309, or 5311 funds separate the transportation services provided under Section 5310 from the transportation services funded by one of the other covered FTA programs so that the Section 5310 service is not subject to the FTA drug and alcohol program rules?
- A: No. Because recipients and subrecipients of assistance under FTA's Section 5307, 5309, and 5311 grant programs are covered by the FTA drug and alcohol program rules, all operations, including those funded under Section 5310, are subject to FTA drug and alcohol program rules.
- Employers don't need to create a separate testing program for employees funded under Section 5310. Those employees may be included in the existing testing program.



Covered Employees655.4





Safety-Sensitive Functions – Part 655

What functions are defined by <u>FTA</u> as being "safety-sensitive"



Part 655 applies to employees who perform or will perform a safety-sensitive function

Functions performed – not job title



Safety-sensitive function

- any of the duties on the following slides
- when performed by employees of recipients, subrecipients, operators, or contractors



(1) Revenue Vehicle Operator (RVO) Operating a revenue service vehicle, including when not in revenue service



• "revenue service vehicle"

- public transit vehicles used in providing transit service for passengers
- carries passengers that directly pay fares, are subsidized by public policy, or provide payment through some contractual arrangement
- includes vehicles operated in 'free fare' service, which carry passengers

• "not in revenue service"

- o operate on private or transit property
- o move buses through the yard
- o move buses through the bus wash
- Possession of a CDL does not mean you automatically meet the definition of safety-sensitive



(2) Operating a nonrevenue service vehicle when required to be operated by a holder of a CDL



- oa vehicle used <u>in connection with</u> <u>keeping revenue vehicles in</u> <u>operation</u>, such as a **tow truck or a snowplow**
- onon-revenue vehicle operators are safety-sensitive when those operators are <u>required</u> to hold a CDL in order to legally operate the non-revenue service vehicle

(3) Controlling dispatch or movement of a revenue service vehicle

"controlling movement"

olncludes communication concerning specific, detailed, and contemporaneous route/turn instruction to individual operators



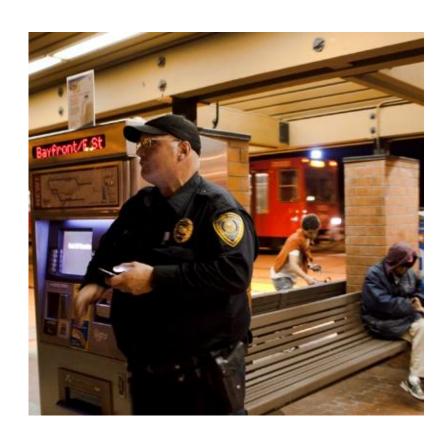
(4) Maintaining a revenue service vehicle or equipment used in revenue service (RVEM)



- Includes repairs, overhaul, rebuilding, preventative maintenance
- Maintenance on lift and other accessible features
- Maintenance on communication systems
- "turn the wrench or screwdriver"

(5) Carrying a firearm for security purposes

- Provide security at transit facilities and carries a firearm
- What About Transit Police,
 Private Security Firms?
 - Always covered
- Local Police?
 - If their duties are determined by transit employer – directed by transit



FTA "Safety-Sensitive" Employee



Must have a verified negative DOT Pre-Employment Drug Test Result prior to performance



Must be in a DOT/FTA Random Testing Pool



Are subject to DOT/FTA Random, Post-Accident, and Reasonable Suspicion Testing



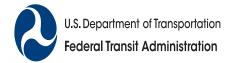
Must receive 60-minutes training –
effects and consequences of prohibited drug use
and signs and symptoms that may indicate
prohibited drug use

Random icons created by Dewi Sari - Flaticon

Part 655: Program Requirements

- 1. FTA Drug & Alcohol Policy
- 2. Education and Training
- 3. Drug and Alcohol Testing Program
- 4. Record Retention

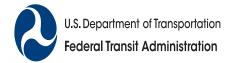




FTA Drug & Alcohol Policy 655.15-16

- ✓ What is it?
- ✓ Requirements
- ✓ How do I get one?





D&A Policy: What is it?

Statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace

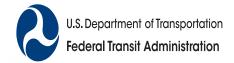
- Provides clear, concise guidelines to employees regarding the DOT/FTA anti-drug and alcohol misuse program
 - ➤Informs employees of actions that are prohibited by FTA/DOT
 - ➤ Describes circumstances for testing
 - ➤ Defines consequences for rule violations
 - ➤ Should be easily read and understood
- Provides a program implementation guide for the DAPM



Education and Training 655.14

- ✓ Display and distribution of materials
- √ 60 minutes for all SS employees
- √ 120 minutes for supervisors





Education & Training (1): All Safety-Sensitive Employees

Minimum of 60 minutes on drugs - §655.14(b)

- Effects and consequences of prohibited drug use on personal health, safety, and the work environment
- Signs and symptoms that may indicate prohibited drug use

FTA has a video:

o https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/DrugAwarenessVideo/Default.aspx

Additional training outside of drugs (policy, alcohol, etc.) **does not** count towards 60-minute requirement



One time requirement – no retraining requirement



Education & Training (2): Reasonable Suspicion

- §655.14(b)(2): <u>Supervisors</u> and/or other <u>company officers</u> authorized to make reasonable suspicion determinations must receive:
 - Minimum of 60 minutes on physical, behavioral, and performance indicators of probable drug use
 - Minimum of 60 minutes on physical, behavioral, speech, and performance indicators of probable alcohol use
- Training must occur prior to making any reasonable suspicion referrals §655.43(b)
- Document date/time/duration, how training was provided
 - Training class attendance list, trainer
 - Must retain documentation 2 years (655.71(b))
 - Best Practice length of employment



One time requirement



DOT TESTING

Drug and Alcohol Testing

- ✓ Prohibited drug use
- ✓ Prohibited alcohol use





What is a DOT Drug Test?

Methodology – Urine or Oral Fluid

Form – Federal Custody and Control Form (CCF)

DOT Qualified Collector

Split Specimen – Urine – 45mL (30mL & 15mL)

Oral fluid – 2mL (1mL & 1 mL)

DHHS Lab - 5 Panel Test – Screen for 5 Substances
THC, Cocaine, PCP, Opioids, Amphetamines

Lab Result is reviewed by a Medical Review Officer (MRO)



What is NOT Allowed?

Blood Test

'Quick test' or 'rapid test'

Single specimen

Screening for additional substances – fentanyl, benzodiazepines 7-Panel Test, 9-Panel Test

Use of non-DOT form



DOT Drug Test - When?

Drug Test – Anytime a **safety-sensitive** employee is **on-duty**.

- If seasonal/intermittent may only test during that time.
- May test when not performing a safetysensitive function.
- May not require an employee to go 'onduty' for the purpose of performing a DOT drug test.



Prohibited Substances: Drugs

Drugs and drug metabolites tested by DOT:

- Marijuana
- Cocaine
- Phencyclidine (PCP)
- Opioids
 - Codeine, morphine, 6-AM
 - Added in 2018 hydrocodone, oxycodone, hydromorphone, oxymorphone (semi-synthetic)
 - Common Names: OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®
- Amphetamines
 - Amphetamines & methamphetamines

Laboratory Positive - Reviewed by MRO



What is a DOT Alcohol Test?

Methodology (1) (Initial Screening Test) - Saliva or Breath

Methodology (2) (Confirmation Test) - Breath

DOT Qualified - Screening Test Technician (STT), Breath Alcohol Technician (BAT)

Device – Alcohol Screening Device (ASD), Evidential Breath Testing (EBT)

Device - Maintained per Quality Assurance Plan (QAP)

Form – DOT Alcohol Testing Form (ATF)

What is NOT Allowed?

Device other than EBT for confirmation test (must print)

Device not on Conforming Products List (CPL)

Blood test

Law Enforcement Test – Unless DOT Trained

Wait time less than 15 minutes between screening and confirmation

DOT ALCOHOL TESTING - WHEN

Alcohol Test – Just before, just after or while performing a safety-sensitive function.

(for Random, Follow-up and Reasonable Suspicion)

 May not require an employee to go 'on-duty' for the purpose of performing a DOT alcohol test



Prohibited Alcohol Use

While on-call to Within 8 hours perform a safetyfollowing an Within 4 hours sensitive function While accident prior to performing a requiring an FTA performing a safety-sensitive post-accident safety-sensitive Allow employee test, or until the function the opportunity function test has been to acknowledge conducted alcohol use

PREVIOUS EMPLOYER CHECKS

√40.25





Previous Employer Records Check

As a potential employer, you must:

- Obtain written consent from applicants to obtain drug and alcohol testing information from previous 2 years
 - Consent must be 'wet' signature (rulemaking underway to amend this requirement)
 - > No photocopied or stylus signature
- Contact previous employers written consent must accompany the request
- OAlso ask applicant whether he or she has tested positive or refused a DOT pre-employment test in the previous two years - §40.25(j)





ederal Transit Administration

Previous Employer Records Check 40.25(b)

Request the following information from any previous DOT employers:

- Alcohol test results 0.04 or higher
- Verified positive drug tests
- o Test refusals
- Other violations of the DOT drug and alcohol regulation
- olf appropriate, documentation of successful completion of return-to-duty process

Random Testing 655.45

- ✓ Who is subject to random testing
- ✓ Minimum testing rates
- ✓ Random selection
- ✓ Consortiums
- ✓ Random testing
- ✓ Records Review





Random Testing (DOT)

Who is subject to random testing?



Only DOT Covered Employees in DOT Random Pool

- Federal Transit Administration (FTA)
- Federal Motor Carrier Safety Administration (FMCSA)
- Federal Aviation Administration (FAA)
- Federal Railroad Administration (FRA)
- Pipeline and Hazardous Material Safety Administration (PHMSA)
- United States Coast Guard (USCG)

May not mix DOT with non-DOT



Random Testing - Notification

When notified – employee must proceed immediately to the test site

- If employee is performing safety-sensitive function must cease and proceed to test site
- Do not supply employee with 'arrival time' must proceed immediately
 - Instruction to employee = "proceed immediately"

Employer must ensure that employee arrives in a timely manner

- Do not provide a set time to arrive
- o Collection site will record time of arrival/check-in
- Employer may accompany employee not required

If employee does not proceed directly – may be a refusal to test

Refusal – employer decision

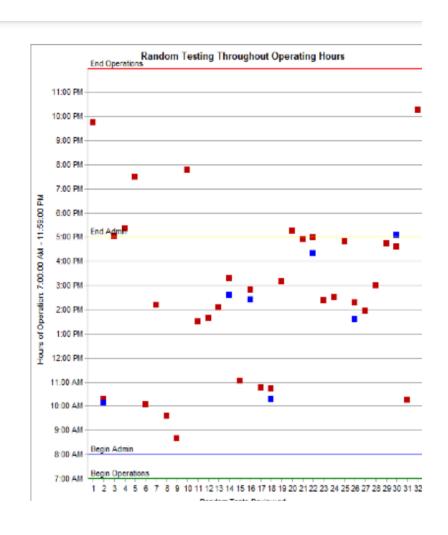


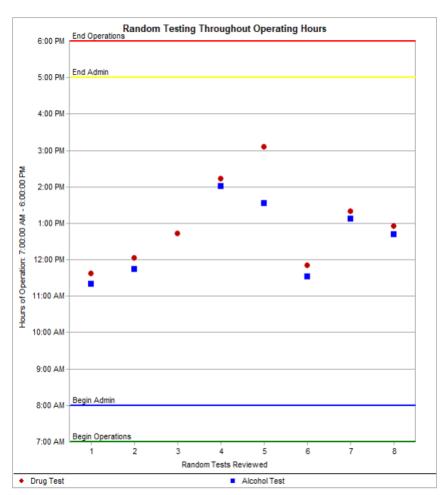
Random Testing

- Must have ability to conduct a DOT random test anytime a safety-sensitive function is performed (COMMON AUDIT FINDING)
 - o Early morning, weekend, late night, holiday, etc.
- Must spread random tests "reasonably" across:
 - Year
 - Days of Week Weekend, Holiday Testing
 - Hours in which safety-sensitive functions are performed
- Random tests proportional to level of service
- Unannounced and Unpredictable when random test will occur – no pattern

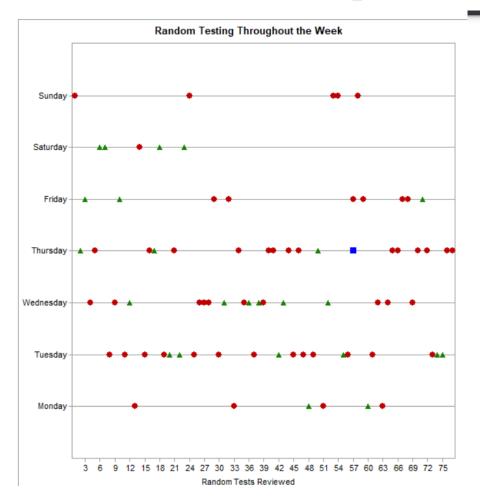


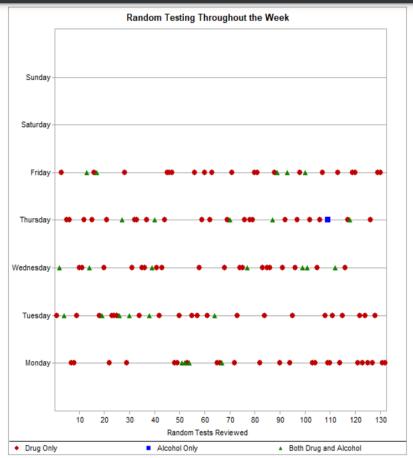
Reasonable Spread - Across the Day



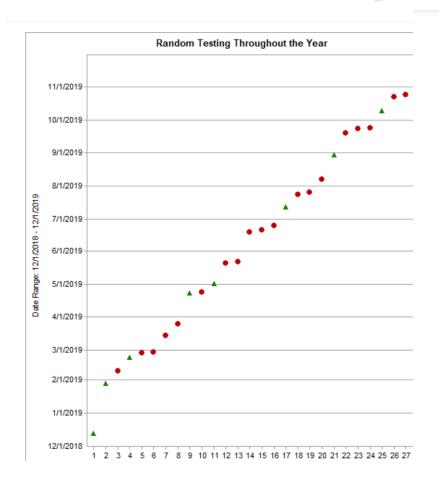


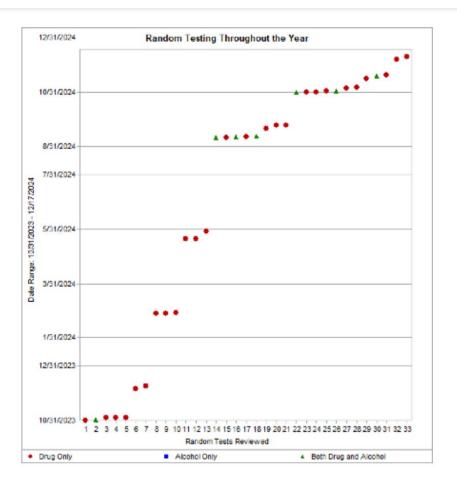
Reasonable Spread - Across the Week





Reasonable Spread – Across the Year





Post-accident Testing 655.44

- ✓ What is an accident?
- ✓ Testing decision
- ✓ Who to test?
- ✓ When to test?





What is an 'Accident' - § 655.4

FTA defines an accident as...

- an occurrence <u>associated with the operation of a vehicle</u> in which one or more of the following occur:
 - ○An individual dies
 - An individual suffers a bodily injury and immediately receives medical treatment away from the scene
 - OAn occurrence in which the public transit vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles incurs disabling damage and such vehicle(s) are transported away from the scene by a tow truck or other vehicle

*** If the public transit vehicle is a rail car, trolley car or trolley bus, or vessel, and is **removed from operation** ***

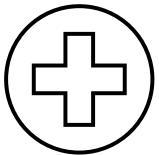


Post-Accident Testing Criteria – medical treatment

Decision based on the employer's determination, using the best available information at time of determination



- Any individual goes directly from the scene to receive medical treatment
- Transported by any means
- Does not require verification by the employer





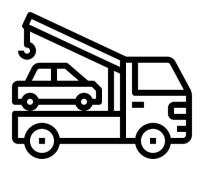


Post-Accident Testing Criteria – disabling damage

What is disabling damage?

- A vehicle cannot proceed under its own power without further damage
- A vehicle cannot be easily repaired at the scene (headlights/taillights, turn signals, horn, tires, etc.)
- Requires towing or transport away from the scene by another vehicle
 - Operating vehicle would further damage the vehicle





Post-Accident Testing Criteria – removed from operation

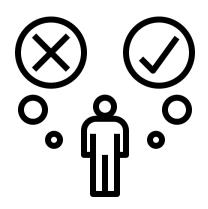


- Rail/vessel only
- Rail car, trolley car, trolley bus
 - Unauthorized passing of a stop signal –
 Stop Signal Overrun
 - Catenary Failure or Overhead Line Equipment Failure
- Vessel
 - o 'Hard' docking
 - o Collision
 - Grounding (aground)

Post-Accident Testing Decision

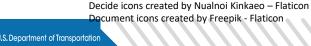
Decision to test/not to test

- Made by employer (company official, supervisor) at the scene
- Ouse best information available at the time
 - ➤ any and all information <u>on-site</u>
 - do not 'reverse' decision based on facts that may emerge later
- Document decision-making process





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Technical Assistance

- 1. TRAININGS
- 2. NEWSLETTER
- 3. TOOLS & RESOURCES
- 4. HOTLINE

https://transitsafety.fta.dot.gov/DrugAndAlcohol





Trainings



Full-day & partial day training available

- o In-person or virtual
- Special sessions (Random, Post-Accident, etc.)
- Schedule at https://transit-safety.fta.dot.gov/drugan_dalcohol/training

Trainings

Interested in Hosting?

Contact: Jennifer Gissel (US DOT / Volpe Center)

Jennifer.Gissel@DOT.GOV

(617) 494-3875

FTA Drug and Alcohol Hotline

FTA.DAMIS@DOT.GOV

(617) 494-6336

We also take suggestions for session topics!



Scheduled Trainings

Virtual

October 1st, 2025

Handling Shy Bladder

11:00 - 12:30 (EST)

12:00 - 1:30 (CST)

We also take suggestions for session topics!

Upcoming Trainings

Virtual

Look for three 'How to Complete your MIS' sessions From December – March Date/Time; TBD

Conference

FTA Drug & Alcohol National Conference Spring 2026 More information to come!



Newsletter

- Regulatory clarifications
- Interpretations
- Upcoming events
- Announcements
- Back Issues
- Sign up to receive the FTA **Drug and Alcohol Regulation Updates Newsletter -**

https://public.govdelivery.com/accoun ts/USDOTFTA/subscriber/new

FTA Drug and Alcohol **REGULATION UPDATES**

Issue 82

Post-Accident Testing Thresholds

Post-accident drug and alcohol tests can only be done under FTA authority if the following thresholds are met:

- · An individual dies:
- · An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident, and the employee's performance cannot be completely discounted as a contributing factor to the accident;
- · A vehicle (including a non-transit vehicle) incurs disabling damage as the result of the occurrence, in which the public transportation vehicle involved is a bus, electric bus, van, or automobile, and is transported away from the scene by a tow truck or other vehicle, and the employee's performance cannot be completely discounted as a contributing factor to the accident; or
- · A railcar, trolley car, trolley bus, or vessel is removed from operation, and the employee's performance cannot be completely discounted as a contributing factor to the

Other criteria, such as the dollar amount of damages.



law enforcement direction, or insurance agency requirements do not meet the thresholds for FTA post-accident testing. Employers may only conduct FTA postaccident testing if a situation meets one of the above criteria. Employers may set their own standards for post-accident testing, however, these tests are not FTA-authorized postaccident tests unless a threshold is met, and must be conducted under employer authority. It is critical the employee(s) responsible for determining whether to test documents the decision-making process for drug and alcohol testing records. For more information about FTA post-accident testing,

please visit the Tools and Resources page.

In this Issue

- Random Testing Spread equirements
- Collection Sites and DER nformation
- Ask the Experts



U.S.Department of Transportation Federal Transit Administration

1 FTA Drug and Alcohol REGULATION UPDATES

D&A Program Website: Tools & Resources



Drug Abuse Awareness Video

Meets §655.14 training requirement:

60-min on effects and consequences of prohibited drug use



Drug and Alcohol Policy Builder

Most frequently used tool on the website



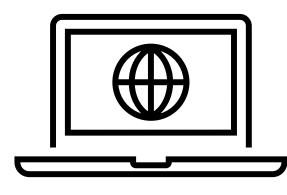
Sample forms and checklists for DAPMs



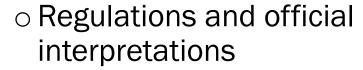
Reasonable Suspicion Video

Recently updated
Meets 120-minute
requirement –
655.14(b)(2)

Technical Assistance: D&A Program Website



https://transit-safety.fta.dot.gov



- Quarterly newsletters
- Training information
- MIS reporting guidance
- Tools and Resources to facilitate compliance



Sample Forms



Thank you!

We are always here to help:
FTA D&A Project Office
(U.S. DOT/Volpe Center,
Cambridge, MA)
Hotline: (617) 494-6336,
fta.damis@dot.gov

Stay Safe!

