

### Listening Sessions

In addition to the submission of written comments, members of the CCAM Workgroup on TA will also conduct up to five "Listening Sessions" during meetings hosted by national organizations being held across the country. Organizations interested in hosting a listening session on TA in human service transportation coordination, should submit a written request to [unitedweride@fta.dot.gov](mailto:unitedweride@fta.dot.gov) no later than May 1, 2005. Date and times for listening sessions will be posted at [unitedweride@fta.dot.gov](mailto:unitedweride@fta.dot.gov).

Dated: March 3, 2005.

**Jennifer L. Dorn,**

*FTA Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of random drug and alcohol testing rates.

**SUMMARY:** This notice announces the random testing rates for employers subject to the Federal Transit Administration's (FTA) drug and alcohol rules.

**DATES:** *Effective Date:* March 9, 2005.

**FOR FURTHER INFORMATION CONTACT:** Jerry Powers, Drug and Alcohol Program Manager for the Office of Safety and Security, (202) 366-2896 (telephone) and (202) 366-z7951 (fax). Electronic access to this and other documents concerning FTA's drug and alcohol testing rules may be obtained through the FTA World Wide Web home page at <http://www.fta.dot.gov>, click on "Safety and Security."

**SUPPLEMENTARY INFORMATION:** The FTA required large transit employers to begin drug and alcohol testing employees performing safety-sensitive functions on January 1, 1995, and to begin reporting annually by March 15 of each year beginning in 1996. The annual reporting includes the number of such employees who had a verified positive for the use of prohibited drugs, and the number of such employees who tested positive for the misuse of alcohol. Small employers commenced their FTA-required testing on January 1, 1996, and began reporting the same information as the large employers beginning March 15, 1997.

The 1994 rules, which were updated on August 1, 2001, established a random testing rate for prohibited drugs and the misuse of alcohol.

The rules require that employers conduct random drug tests at a rate equivalent to at least 50 percent of their total number of safety-sensitive employees for prohibited drug use and at least 25 percent for the misuse of alcohol. The rules provide that the drug random testing rate may be lowered to 25 percent if the "positive rate" for the entire transit industry is less than one percent for two preceding consecutive years. Once lowered, it may be raised to 50 percent if the positive rate equals or exceeds one percent for any one year ("positive rate" means the number of positive results for random drug tests conducted under 49 CFR 655.45 plus the number of refusals of random tests required by 49 CFR 655.49, divided by the total number of random drug tests, plus the number of refusals of random tests required by 49 CFR 655.)

The alcohol provisions provide that the random rate may be lowered to 10 percent if the "violation rate" for the entire transit industry is less than .5 percent for two consecutive years. It will remain at 25 percent if the "violation rate" is equal to or greater than .5 percent but less than one percent, and it will be raised to 50 percent if the "violation rate" is one percent or greater for any one year ("violation rate" means the number of covered employees found during random tests given under 49 CFR 655.45 to have an alcohol concentration of .04 or greater, plus the number of employees who refuse a random test required by 49 CFR 655.49, divided by the total reported number of random alcohol tests plus the total number of refusals of random tests required by 49 CFR 655.)

In 2004, the FTA required a random drug testing rate of 50 percent of the total number of their "safety-sensitive" employees for prohibited drugs based on the "positive rate" for random drug test data from 2001 and 2002. FTA has received and analyzed the latest available data (CY2003) from a representative sample of transit employers. Because the random drug rate was not lower than 1.0 percent for the two preceding consecutive years (1.05 percent for 2002 and 0.96 percent for 2003), the random drug testing rate will remain at 50 percent for 2005.

In 2004, the FTA retained the random alcohol testing rate of 10 percent (reduced previously from 25 percent) based on the "positive rate" for random alcohol test data from 2002 and 2003. Because the random alcohol violation

rate was again lower than .5 percent for the two preceding consecutive years (0.22 for 2002 and 0.20 percent for 2003), the random alcohol testing rate will remain at 10 percent for 2005.

FTA detailed reports on the drug and alcohol testing data collected from transit employers may be obtained from the Office of Safety and Security, Federal Transit Administration, 400 Seventh Street, SW., Room 9301, Washington, DC 20590, (202) 366-2896 or at <http://transit-safety.volpe.dot.gov/Publications>.

Issued On: March 3, 2005.

**Jennifer L. Dorn,**

*Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2005-20428; Notice 1]

#### Hankook Tire America Corp., Receipt of Petition for Decision of Inconsequential Noncompliance

Hankook Tire America Corp. (Hankook Tire) has determined that certain tires it produced in 2003 and 2004 do not comply with S6.5(d) of 49 CFR 571.119, Federal Motor Vehicle Safety Standard (FMVSS) No. 119, New pneumatic tires for vehicles other than passenger cars.

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Hankook Tire has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

A total of approximately 41,716 tires are involved, which were produced during the period April 1, 2003 through December 20, 2004. S6.5(d) of FMVSS No. 119 requires that the maximum load rating and corresponding inflation pressure of the tires be marked on the tire in both English and metric units. The noncompliant tires do not have the metric markings.

Hankook believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Hankook states that the noncompliance does not