

NORFOLK SOUTHERN CORPORATION  
OPERATIONS DIVISION

Atlanta, Georgia  
March 4, 2022

OB-8

All Concerned:

At Norfolk Southern, safety is a top priority, and the company has longstanding policies which prohibit employees from reporting for duty under the influence of alcohol and Prohibited Drugs.

In response to a mandate by the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act) to include all employees of railroad carriers who perform mechanical activities in its alcohol and drug regulation, FRA regulation 49 CFR Part 219 is revised effective Friday, March 4, 2022. The regulatory change expands the scope of its alcohol and drug regulation to cover mechanical employees.

The definition of regulated employee in the regulation is revised and now includes mechanical employee, as follows:

*Regulated employee* means a covered employee, maintenance-of-way employee, or mechanical employee (as defined in this section) who performs regulated service for a railroad subject to the requirements of this part.

The definition of mechanical employee is established in the regulation as follows:

*Mechanical employee* or *MECH employee* means—

- (1) Any employee who, on behalf of a railroad, performs mechanical tests or inspections required by part 215, 221, 229, 230, 232, 238, or 299 of this chapter on railroad rolling equipment, or its components, except for:
  - (i) An employee who is a member of a train crew assigned to test or inspect railroad rolling equipment that is part of a train or yard movement the employee has been called to operate; or
  - (ii) An employee who only performs one or more of the following duties:
    - (A) Cleaning and/or supplying cabooses, locomotives, or passenger cars with ice, food concession items, drinking water, tools, sanitary supplies, or flagging equipment;
    - (B) Servicing activities on locomotives such as fueling, replenishing engine oils and engine water, sanding, and toilet discharge and recharge;
    - (C) Checking lading for pilferage or vandalism; or
    - (D) Loading, unloading, or shifting car loads.

- (2) An employee who only performs work related to the original manufacturing, testing, or inspection of railroad rolling equipment, or its components, on the manufacturer's behalf, is not a mechanical employee or MECH employee.

Commensurate with these changes, federal drug testing is expanded to include Norfolk Southern employees and contractors that meet the definition of **mechanical employee** for post-accident tests, pre-employment tests, random tests, and reasonable cause tests.

Reasonable cause tests may be performed on regulated employees, including mechanical employees following these events. The items highlighted in yellow were revised or added in the most recent regulatory revisions to cover mechanical employees:

- Reportable train accidents or train incidents;
- Noncompliance with a train order, track warrant, track bulletin, track permit, stop and flag order, timetable, signal indication, special instruction or other directive with respect to movement of railroad on-track equipment that involves—
  - Occupancy of a block or other segment of track to which entry was not authorized;
  - Failure to clear a track to permit opposing or following movements to pass;
  - Moving across a railroad crossing at grade without authorization;
  - Passing an absolute restrictive signal or passing a restrictive signal without stopping (if required); or
  - Failure to take appropriate action, resulting in the enforcement of a positive train control (PTC) system.
- Failure to protect on-track equipment, including leaving on-track equipment fouling an adjacent track;
- Operation of a train or other speedometer-equipped on-track equipment at a speed that exceeds the maximum authorized speed by at least 10 miles per hour or by 50% of such maximum authorized speed, whichever is less;
- Alignment of a switch in violation of a railroad rule, failure to align a switch as required for movement, operation of a switch under on-track equipment, or unauthorized running through a switch;
- Failure to restore and secure a main track switch as required;
- Failure to apply brakes or stop short of a derail as required;
- Failure to secure a hand brake or failure to secure sufficient hand brakes, as required;
- Entering a crossover before both switches are lined for movement or restoring either switch to normal position before the crossover movement is completed;
- Failure to provide point protection by visually determining that the track is clear and giving the signals or instructions necessary to control the movement of on-track equipment when engaged in a shoving or pushing movement;
- In the case of a person performing a dispatching function or block operator function, issuance of a mandatory directive or establishment of a route that fails to provide proper protection for on-track equipment;
- Interference with the normal functioning of any grade crossing signal system or any signal or train control device without first taking measures to provide for the safety of highway traffic or train operations which depend on the normal functioning of such a device. Such interference includes, but is not limited to, failure to provide alternative methods of

maintaining safety for highway traffic or train operations while testing or performing work on the devices or on track and other railroad systems or structures which may affect the integrity of the system;

- Failure to perform stop-and-flag duties necessary as a result of a malfunction of a grade crossing signal system;
- Failure of a machine operator that results in a collision between a roadway maintenance machine and on-track equipment or a regulated employee;
- Failure of a roadway worker-in-charge to notify all affected employees when releasing working limits;
- Failure of a flagman or watchman/lookout to notify employees of an approaching train or other on-track equipment;
- Failure to ascertain that provision was made for on-track safety before fouling a track;
- Improper use of individual train detection in a manual interlocking or control point;
- Failure to apply three point protection (fully apply the locomotive and train brakes, center the reverser, and place the generator field switch in the off position) that results in a reportable injury to a regulated employee;
- Failure to display blue signals in accordance with § 218.25 through § 218.30 of this chapter;
- Failure to perform a required brake test, or having knowledge that a required brake test was not performed, pursuant to the Class I, Class IA, Class II, or Class III, or transfer train brake test provisions of part 232, or the running brake test provisions of part 238, of this chapter;
- Failure to comply with prohibitions against tampering with locomotive mounted safety devices, or permitting a train to be operated with an unauthorized disabled safety device in the controlling locomotive; or
- Failure to have a derailing device in proper position and locked if required in accordance with § 218.109 of this chapter.

The safety risks and inevitable damage of alcoholism, prescription drugs abuse and illegal drug use are undeniable and a growing problem in our country. In order to protect everyone's safety, Norfolk Southern will continue its zero tolerance policy, and employees who fail drug or alcohol tests, who are caught using or possessing alcohol or illegal drugs at work, who use or possess illegal drugs off work or who violate Rule G or Rule 917 will continue to be subject to dismissal.

If you or someone you know has a problem with Prohibited Drugs or alcohol, the company's Wellbeing team can offer assistance to ensure your safety as well as those around you. You can talk to a Wellbeing Advocate by calling 1-844-215-4188. Alternatively, you can talk to one of the many volunteer peer-to-peer coordinators on each division.

Be governed accordingly.

Cindy Sanborn  
Executive Vice President, and  
Chief Operating Officer