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U.S. Department of  
Transportation  
Office of the Secretary  
of Transportation

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# Memorandum

Subject Meeting with United Transportation Union Official Date: 3/1/00

From: Robert C. Ashby *RCA*  
Deputy Assistant General Counsel for  
for Regulation and Enforcement, C-50

Reply to Robert C. Ashby  
Attn. of: 69306

To: Docket # OST-1999-6578 — 29

On February 29, 1999, I met with Mr. Ray Lineweber Nebraska State Legislative Director for the United Transportation Union (UTU). Also present at the meeting, with occurred in Amtrak's offices at the 30<sup>th</sup> Street Station in Philadelphia, were Lamar Allen and Patricia Sun of the Federal Railroad Administration and George Ellis, a consultant to FRA on the drug testing program.

Though the main purpose of the meeting was to discuss Mr. Lineweber's concerns about current implementation issues in the drug testing program, Mr. Lineweber also advocated a number of positions concerning provisions of the Pt. 40 NPRM. He favored making split specimen testing available in cases of dilution, substitution, and adulteration. He supported requiring laboratories to send witnesses to grievance or arbitration proceedings, particularly concerning dilution, substitution, and adulteration issues. Employers should be required to pay for the production of these witnesses. Employers should also be responsible for ensuring – and paying for – the production of documents (e.g, so-called "litigation packages") by laboratories when employees request them. He also raised the issue of whether on-site testing might be useful in combating the use of some adulterants (e.g., "Stealth").

Mr. Linewebber indicated that he present more detailed comments at the Department's listening sessions and in writing for the docket.