

requests called in for the area” has no basis in fact, and demonstrates a failure to properly investigate the damage which led to this explosion.

Staff also found that AGLC then used the results of their 3rd-party investigation of the damage as the basis for their initial and 30-day report to PHMSA; however, they have failed to provide any evidence to demonstrate that they have investigated the events which occurred during the time following the damage, up to the point the explosion occurred.

PROBABLE VIOLATION: AGLC failed to perform a complete failure investigation of the damage and subsequent events which led to the explosion of the Coffee Corner in Homerville, GA.

3. 49 CFR §199.105(c)(2) – Post-accident testing; If a test required by this section is not administered within the 32 hours following the accident, the operator must prepare and maintain its decision stating the reasons why the test was not promptly administered. If a test required by paragraph (b)(1) of this section is not administered within 32 hours following the accident, the operator must cease attempts to administer a drug test and must state in the record the reasons for not administering the test.

INVESTIGATION FINDINGS: During this investigation Staff found that the Operator failed to follow their Anti-Drug and Alcohol procedures found in Section 4.2. (Post-Accident Testing) of their plan which states:

“As soon as possible but no later than 32 hours after an accident, the Company will drug test each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test will be based on the Company’s determination, using the best available immediately after the that the employee’s performance could not have contributed to the accident or that, because of the time between the performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use.”

PROBABLE VIOLATION: AGLC failed to perform post-accident drug testing of their covered employees whose performance either contributed to the accident or could not be completely discounted as a contributing factor to the accident.

4. 49 CFR §199.225(a)(1) – Post-accident; As soon as practicable following an accident, the Company must test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test must be based on specific information that the covered employee’s performance had no role in the cause(s) or severity of the accident.

INVESTIGATION FINDINGS: During this investigation Staff found that the Operator failed to follow their Anti-Drug and Alcohol procedures found in Section 15.2.1 (Post-Accident Testing) of their plan which states:

“As soon as practicable following an accident, the Company must test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test must be based on specific information that the covered employee’s performance had no role in the cause(s) or severity of the accident.”