

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0074-26_

SPONSOR: Brenda Jesus

TITLE: An Action Relating to Resources and Development Committee; Approving the Navajo Division of Transportation Navajo Transit System Drug and Alcohol Testing Policy

Date posted: April 09, 2026 at 4:16PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0074-26

DATE: April 8, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE NAVAJO DIVISION OF TRANSPORTATION NAVAJO TRANSIT SYSTEM DRUG AND ALCOHOL TESTING POLICY

PURPOSE: This legislation, if approved, would approve the Navajo Division of Transportation Navajo Transit System Drug and Alcohol Testing Policy.

FINAL AUTHORITY: Resources and Development Committee

VOTE REQUIRED: Simple Majority

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: [Signature]
Website Posting Time/Date: _____
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Eligible for Action: 04-15-26

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL—Fourth Year, 2026

3 Introduced by:

4 [Signature]
5
6 Primary Sponsor

7
8 Tracking No. 0074-26
9

10 AN ACTION
11 RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;
12 APPROVING THE NAVAJO DIVISION OF TRANSPORTATION
13 NAVAJO TRANSIT SYSTEM DRUG AND ALCOHOL
14 TESTING POLICY
15

16 BE IT ENACTED:
17

18 SECTION ONE. AUTHORITY

19 A. The Resources and Development Committee is a standing committee of the Navajo
20 Nation Council with the enumerated powers to promulgate rules and regulations
21 governing transportation and serves as the oversight for the Navajo Division of
22 Transportation. 2 N.N.C. §§ 501(B)(1) and (C)(1).
23

24 SECTION TWO. FINDINGS

25 A. The Navajo Division of Transportation was established within the Executive
26 Branch of the Navajo Nation government to administer transportation programs
27 throughout the Navajo Nation, to ensure effective and efficient transportation
28 operations, to promote the continued improvement of the transportation system,
29 and to provide the necessary resources to accomplish these objectives. 2 N.N.C. §§
30 1370 and 1371.

- 1 B. The Navajo Division of Transportation operates the Navajo Transit System, which
2 provides public transportation services throughout the Navajo Nation and receives
3 substantial federal funding through the Tribal Transportation Program and various
4 other federal grants, thereby requiring compliance with federal laws and regulations
5 as a condition of continued funding.
- 6 C. The Navajo Transit System was previously under the Navajo Division of General
7 Services, at which time the Health, Education and Human Services Committee
8 exercised oversight authority, and pursuant to such authority, in July of 2017
9 approved the Navajo Transit System, "Substance Abuse Policy and FTA Standard
10 Operating Procedures," and a Drug and Alcohol Policy Addendum that became
11 effective in January of 2018.
- 12 D. The Navajo Nation Council enacted Resolution No. CO-59-21, titled "AN
13 ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES,
14 RESOURCES AND DEVELOPMENT, LAW AND ORDER, BUDGET AND
15 FINANCE, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION
16 COUNCIL; APPROVING THE TRANSFER OF THE NAVAJO TRANSIT
17 SYSTEM FROM THE NAVAJO DIVISION OF GENERAL SERVICES TO THE
18 NAVAJO DIVISION OF TRANSPORTATION; AMENDING THE NAVAJO
19 TRANSIT SYSTEM PLAN OF OPERATION AND ORGANIZATIONAL
20 CHART; AND AMENDING 2 N.N.C. § 1252 (B)(8)(9)," which transferred the
21 Navajo Transit System to the Navajo Division of Transportation and reassigned
22 oversight to the Resources and Development Committee.
- 23 E. The Navajo Transit System has developed a new Drug and Alcohol Testing Policy
24 to establish clear guidelines for maintaining a drug and alcohol-free workplace and
25 to ensure the safe operation of public transportation services, attached as **Exhibit**
26 **A**.
- 27 F. The Drug-Free Workplace Act of 1988, 41 U.S.C. § 701 *et seq.*, requires federal
28 contractors with contracts of \$100,000.00 or more and all federal grant recipients to
29 certify that they will provide a drug-free workplace, and further mandates the
30

1 establishment of a formal drug-free workplace policy, the implementation of an
2 employee awareness program, and compliance measures to enforce such standards.

3 G. The Omnibus Transportation Employee Testing Act of 1991, Pub. L. No. 102-143,
4 Title V, requires drug and alcohol testing of safety-sensitive employees in the
5 transportation industry, including public transit systems, to ensure public safety and
6 reduce the risk of accidents caused by substance use.

7 H. The U.S. Department of Transportation has promulgated regulations at 49 C.F.R.
8 Part 655, as amended, which mandate drug and alcohol testing for employees
9 performing safety-sensitive functions in public transportation systems, and at 49
10 C.F.R. Part 40, as amended, which establish procedures and standards for the
11 collection, testing, and analysis of specimens for drug and alcohol testing
12 programs.

13 I. Maintaining updated and compliant drug and alcohol testing standards is essential
14 to protecting the safety of passengers, employees, and the general public, reducing
15 liability risks, and ensuring continued eligibility for federal funding that supports
16 transportation infrastructure and services across the Navajo Nation.

17 J. The Navajo Nation maintains workplace standards that prohibit all employees from
18 unlawfully manufacturing, distributing, possessing, or using controlled substances
19 or alcohol in the workplace, and the Navajo Transit System Drug and Alcohol
20 Testing Policy is intended to strengthen and operationalize these standards within
21 the transit system.

22 K. Certain provisions of the Navajo Transit System Drug and Alcohol Testing Policy
23 are adopted under the sole authority of the Navajo Transit System and are separate
24 from federal regulatory testing requirements, including testing conducted using
25 non-U.S. Department of Transportation forms, which shall be administered
26 independently and remain distinct from federally mandated testing programs in all
27 respects.

28 L. The Navajo Transit System Drug and Alcohol Testing Policy applies to all safety-
29 sensitive employees, including full-time and part-time personnel, when performing
30 safety-sensitive duties, including but not limited to operating revenue service

1 vehicles, maintaining transit vehicles and equipment, serving as armed security
2 personnel, controlling dispatch or movement of vehicles, operating non-revenue
3 vehicles requiring a commercial driver's license, and performing maintenance
4 functions on transit vehicles.

5 M. The Navajo Nation Department of Justice completed an Executive Official Review
6 of the Navajo Transit System Drug and Alcohol Testing Policy and on December
7 10, 2025, determined that the policy is legally sufficient.

8 N. It is in the best interest of the Navajo Nation to approve the new Navajo Transit
9 System Drug and Alcohol Testing Policy, as it will ensure continuity from prior
10 policies, maintain compliance with federal and Navajo Nation requirements,
11 promote a safe and drug-free workplace, and support the continued operation and
12 funding of the Navajo Transit System.

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14 **SECTION THREE. APPROVAL**

15 The Resources and Development Committee hereby approves **Exhibit A**, the Navajo
16 Division of Transportation Navajo Transit System Drug and Alcohol Testing Policy.
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