

Decision No. C23-0061

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 23I-0047R

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IN THE MATTER OF THE REGIONAL TRANSPORTATION DISTRICT'S CORRECTIVE ACTION PLAN REGARDING THE SABLE BOULEVARD AND EXPOSITION AVENUE DERAILMENT, RULE 4 CCR 723-7-7347.

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**COMMISSION DECISION OPENING  
INVESTIGATION AND REQUIRING  
FILING OF CORRECTIVE ACTION PLAN**

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Mailed Date: January 27, 2023  
Adopted Date: January 25, 2023

**I. BY THE COMMISSION**

**A. Statement**

1. On November 15, 2022, the Regional Transportation District's (RTD) Maintenance-of-way (MOW) found a hazardous condition of the rail at 19th Street and Stout Street that revealed rail conditions that were below industry acceptable conditions for normal rail activities. A previous inspection of the 19th/Stout embedded curve/crossing showed a negative superelevation and gauge widening conditions prompting the additional hazard investigation. MOW crews called for an immediate three mile per hour speed restriction on approach to the curve, through the curve, and out of the curve for the entire train consist. The rail was declared as condemned rail.

2. Under 4 *Code of Colorado Regulation* (CCR) 723-7-7347(d)(IV) of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail and Rail Crossings, RTD determined that the condemned rail warranted an emergency corrective action to immediately replace the rail to ensure safety and submitted CAP01-11222022 for the

emergency corrective action to continue rail operations under the speed restrictions and with flaggers walking the LRV train through the intersection/crossing, and to replace the condemned rail starting December 23, 2022.

3. The operational risk analysis undertaken by MOW management determined that the hazard had a risk index of 1B, or High. By Rule 7347, hazards with a high risk index must come before the Commission for review and approval of a Corrective Action Plan.

**B. Analysis**

4. Now that RTD has corrected the immediate emergency by replacing the condemned rail, we need to look at the issue of how rail was allowed to deteriorate to the point of condemnation. We require RTD to investigate this issue to determine what issues led to rail deteriorating to the point of condemnation and emergency rail replacement rather than finding that the rail was deteriorating to a condition heading toward condemnation rather than replacing the rail before it reached such condition. This CAP should also require that RTD investigate and determine what RTD will do to make sure this situation does not happen again.

5. Pursuant to 4 CCR 723-7-7347, we are opening this investigation.

6. RTD is required to file the CAP it will develop and the associated hazard analysis in this proceeding. We will require RTD to provide a written CAP to the Commission on this issue within 20 days of the mailed date of this order to outline the steps RTD will take in this CAP to investigate and make any necessary changes in operating rules, policies, or whatever is necessary for RTD to make sure that it does not have to condemn any rail on its light rail system again.

**II. ORDER**

**A. The Commission Orders That:**

1. An investigatory proceeding is opened to review and approve the Regional Transportation District's (RTD) hazard analysis and Corrective Action Plan (CAP) for the condemned rail replacement at the 19th Street and Stout Street intersection/crossing condemned for which emergency corrective action to immediately replace the rail to ensure safety and submitted CAP01-11222022 in Denver, Colorado.

2. CAP01-11222022 is approved.

3. RTD shall file its CAP and hazard analysis outlining its plan to investigate and make any necessary changes in operating rules, policies, or whatever is necessary for RTD to make sure that it does not have to condemn any rail on its light rail system.

4. This Decision is effective on its Mailed Date.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



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JOHN GAVAN

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Commissioners

ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read 'G. Harris Adams'.

G. Harris Adams.,  
Interim Director