



COLORADO

**Department of
Regulatory Agencies**

Public Utilities Commission

Eric Blank, Chairman
Megan M. Gilman, Commissioner
Tom Plant, Commissioner
Rebecca E. White, Director

Patty Salazar, Executive Director
Jared S. Polis, Governor

June 14, 2024

Debra Johnson, CEO/GM
Regional Transportation District
1660 Blake Street
Denver, CO 80202

RE: Southeast Corridor Issues

Dear Ms. Johnson,

This letter is a follow-up to the meeting held earlier today with members of your team regarding the SE Corridor low speed conditions. The PUC requested this meeting in order to better understand the status of inspection and repair activities along the SE Corridor Line and RTD's plans to address findings. In accordance with the PUC's obligation under Section 40-18-102, C.R.S. and SSOA Program Standard 4 CCR 723-7-7341-7355 to oversee the safety performance of RTD's practices, this letter requests several information updates and follow-up actions.

Background

The timeline of events leading up to this inspection and corresponding slow order along the SE Line are, according to our records, as follows:

- On November 15, 2022, Regional Transportation District's (RTD) maintenance crews found a hazardous rail condition at 19th Street and Stout Street. As a result of this finding, the rail was declared condemned and RTD implemented an emergency corrective action to repair the rail.
- On January 25, 2023 the PUC issued an order requiring RTD 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 deterioration..." The order further directed that RTD file a Corrective Action Plan within 20 days 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."
- On March 6, 2023, as updated on March 14, 2023, RTD filed its Corrective Action Plan in response to the Commission order. This CAP included a set of interim and final actions to address the broader factors that led to the 19th and Stout condemnation. RTD committed to complete interim measures by June 30, 2023 and final measures by June 30, 2024. Final actions included establishing and implementing an Asset Class Strategy for light rail infrastructure, including enhanced asset tracking to include areas that have accelerated wear, deterioration, or corrosion.



- RTD’s implementation of this final corrective action led to the identification of issues in track conditions along the SE Corridor. The PUC was not notified of these findings along the SE line nor the issuance of a slow order but rather learned of this development through media inquiries.

Immediate Information Request

Per the Commission’s responsibilities as a State Safety Oversight Agency (SSOA) and staff’s audit authority delegated by the Commission by Decision No. C23-0445 in Proceeding 23M-0337ALL, the PUC requests the following information:

- All safety inspection results for the SE Corridor for the period of January 1, 2024 to the date of this letter. Such results shall include the condition of rail by segment and specific issues identified.
- Updates to these inspection results and repair schedules progress provided in writing to the PUC every 48 hours until work is completed.
- A detailed schedule for completing similar inspections of RTD’s additional light rail lines, with a particular focus on the SW and CPV corridors.

Lastly, the PUC advises that RTD continue to increase its transparency to the public on its efforts to improve rail conditions and return service to normal operations. As stated in RTD’s Public Transportation Agency Safety Plan (PTASP) “Customers and the general public must be confident that the RTD transit system is a safe system.” Recent events have shaken that confidence along the SE Corridor.”

Improvements to Safety and Asset Management Planning

RTD’s approved 2024 PTASP states that:

“The overall consideration in the development of the agency’s PTASP is to provide safe and reliable movement of customers throughout the transit system. ...To achieve this goal, it is necessary to design, construct, operate, and maintain a system that aims to reduce recognized hazards as much as practicable with the safety of employees, customers, and the general public in mind.”

The poor condition of the downtown rail lines and the deterioration of the SE line indicate that the PTASP has not been adequate to identify these conditions ahead of time so that repairs can be made in a measured way that minimizes impacts to the traveling public. Further, RTD’s 2022 Transit Asset Management Plan (TAMP), included as part of the PTASP, makes no mention of rail infrastructure improvements along the SE line. In fact, tables of “Prioritized List of Investments” from 2023-2028 in the TAMP do not include any improvements to the SE rail infrastructure and only call out “Grade Crossing Replacement” for the Downtown Loop Rail Line. These gaps suggest that the PTASP has failed in its objective to “Provide a comprehensive risk management program to effectively identify and resolve issues.”¹

Thus, this letter also serves as official written notification² of the PUC’s request that RTD modify the section(s) of the PTASP for the identified areas with respect to the CAP requirements and submit those specific updates to the PUC no later than July 31, 2024. This update shall include integration of all long-term Corrective Action Plan (CAP02-1122022) actions, including how the new asset condition evaluation criteria will be implemented across the light rail system. Additionally, by August 30, 2024 we request that RTD modify the sections of the TAMP that include a new list of prioritized investments that include all unaddressed rail condition issues found through RTD’s recent review. We request these updated sections of the PTASP and TAMP, not the entirety of the PTASP and TAMP.

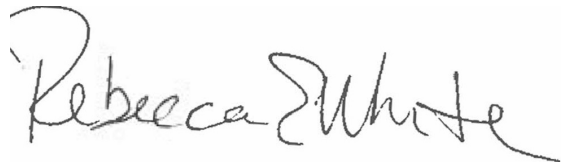
The PUC appreciates and acknowledges RTD’s implementation of a slow order along the SE line to ensure the safety of crew members and riders. At the same time, effective safety and asset management strategies would have prevented the need for these emergency actions and the significant disruption to the many Coloradans who depend on RTD light rail service.

¹ 2024 PTASP, 1.2.1 Goals

² This request follows RTD’s commitment in the PTASP to review and update the PTASP in accordance with “A written request from the CPUC to modify the PTASP due to report reviews, on-site reviews, or investigations.”

Ms. Debra Johnson
June 14, 2024

Sincerely,

A handwritten signature in black ink that reads "Rebecca E White". The signature is written in a cursive style with a large initial 'R' and a distinct 'E'.

Rebecca E White
Director
Colorado Public Utilities Commission

Cc: Eric Blank, Chairman Colorado Public Utilities Commission
Megan M. Gilman, Commissioner Colorado Public Utilities Commission
Tom Plant, Commissioner Colorado Public Utilities Commission
Eric Davidson, RTD Chairman
Cindy Terwilliger - Regional Administrator FTA Region 8