

June 21, 2024

Rebecca E. White, Director  
Colorado Public Utilities Commission  
1560 Broadway, Suite 250  
Denver, Colorado 80202

Subject: Southeast Corridor Issues Response

Dear Ms. White,

This correspondence serves as the Regional Transportation District (RTD)'s response to your letter sent on June 14, 2024, sharing concerns and requesting follow-up information. It also supplements recently held meetings and situational updates that have been provided by RTD staff to the Colorado Public Utilities Commission (PUC) staff.

I, as the Accountable Executive, along with my capable and competent staff remain firmly committed to maintaining an operationally safe and reliable light rail network. This emphasis on safety has been widely and regularly communicated and conveyed to RTD's employees, customers, and the public. RTD staff continues to transparently communicate with customers and the general public about anticipated service interruptions and provide information on the agency's preventative maintenance program. These communication efforts are focused on instilling continued confidence in the operational safety and reliability of RTD's light rail network. I am linking two public-facing webpages that exemplify these communication efforts ([www.rtd-denver.com/light-rail-speed-restrictions](http://www.rtd-denver.com/light-rail-speed-restrictions) and [www.rtd-denver.com/railproject](http://www.rtd-denver.com/railproject)).

On Monday, June 10, I, along with members of the Rail Operations and Safety and Environmental Compliance teams, spoke with Dr. Pam Fischhaber, Deputy Director of Public Safety, about the track inspections and preventative maintenance activities underway. The following day, June 11, staff held a follow-up meeting with Dr. Fischhaber. Subsequently, on Friday, June 14, RTD staff met with you and your staff to provide another situational update and convey the agency's commitment to safety and regular updates. I was thoroughly briefed on the discussions that ensued.

While my team and I strive to be highly communicative with PUC staff, RTD has not historically notified the PUC when speed restrictions are implemented in connection with preventative maintenance. Such notification is not required. RTD remains committed to adhering to reportable event notifications, as outlined in [PUC regulations](#).

To address the PUC's immediate information requests, I am providing the table below for your use and reference.

PUC Request	RTD Response
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.	RTD staff provided the requested information via email to PUC staff on June 11, 2024.



<p>Updates to these inspection results and repairs schedules progress provided in writing to the PUC every 48 hours until work is completed.</p>	<p>On Tuesday, June 18, Rail Operations staff provided the first 48-hour update. To date, two updates have been provided, and these will continue until all work is completed.</p>
<p>A detailed schedule for completing similar inspections for RTD’s additional light rail lines, with a particular focus on the SW and CPV corridors.</p>	<p>A detailed inspection schedule was provided on Friday, June 21, 2024.</p>

Since the Southeast Corridor’s speed restrictions were first implemented in early June, RTD has provided regular and continual updates to its Board of Directors, disseminated Service Alerts to customers, engaged often with the media, and shared information with agency employees.

**Light Rail Safety and Asset Management Practices**

As a point of clarification, your suggestion that “the poor condition of the downtown rail lines and the deterioration of the SE line indicate that the PTASP has not been adequate” is false. I would like to strongly emphasize that the Southeast Corridor’s light rail track remains operationally safe for RTD to provide service to customers, even in the isolated areas of the alignment where speed restrictions are currently in place.

As to the condition of the corridor’s infrastructure, and as is typical with any rail transit agency, RTD Maintenance of Way staff conduct quarterly preventative maintenance inspections. This is a practice that has continued during my tenure at the agency. RTD undertakes this proactive approach to allow the agency to address areas where track defects exist. By addressing issues and defects through early intervention repairs and maintenance, RTD is able to ensure all rail assets are in a state of good repair. Preventative maintenance supports RTD’s efforts to avoid service disruptions and major infrastructure issues.

It is also important to note that RTD has established and implemented a more robust asset management philosophy.<sup>1</sup> The agency adheres to the American Public Transportation Association (APTA) standards for the periodic inspection and maintenance of fixed structure rail transit tracks. APTA’s standards include periodic visual, electrical, and mechanical inspections of components that affect safe and reliable operation, as well as standards for implementing corresponding speed restrictions. These standards also identify the necessary qualifications for rail transit system employees or contractors who perform periodic inspections and maintenance tasks. APTA’s standards support and greatly reduce the risk of hazards and failures.

Consistent with these standards, the current speed restrictions were temporarily implemented in two zones, between Colorado and Southmoor stations and between Belleview and County Line stations, until necessary maintenance work can be performed. RTD adheres to the highest level of safety standards, even when it results in an impact to scheduled services and on-time performance.

Regarding your assertion that the Joint Labor Management Safety Committee, RTD Board, and PUC approved Public Transportation Agency Safety Plan (PTASP), which documents the processes and procedures to implement a Safety

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<sup>1</sup> These are consistent with RTD’s Corrective Action Plan (CAP02-11222022) it submitted to the PUC on March 14, 2023, that was approved by the Commission on March 29, 2023. The deadline for RTD to complete the final corrective measures for this CAP is June 30, 2024, and RTD will file its notice of completion of those measures with the PUC.

Management System (SMS), is not adequate, I firmly disagree. RTD's current PTASP establishes the SMS framework to identify these conditions in advance so appropriate maintenance activities can be performed to minimize service impacts to RTD customers. Moreover, the PTASP reflects the agency's commitment to continuous improvement, which RTD welcomes. RTD's recent adoption of enhanced inspection standards, as outlined by APTA, is an example of continuous improvement.

### **PTASP and Transit Asset Management (TAM) Plan Follow-Up Requests**

Recognizing that any amendments to the PTASP must be approved by the Joint Labor Management Safety Committee and RTD's Board, it is not feasible to meet the PUC's request that RTD modify the PTASP by July 31, 2024. I can commit that the Chief Safety Officer will provide regular updates to PUC staff on progress made towards these modifications. A timeline has already been developed for proposed updates to the 2025 PTASP, and that process is underway. The Chief Safety Officer will reach out to the appropriate PUC staff to discuss the timing in greater detail.

As required by the Federal Transit Administration (FTA), RTD submits its TAM Plan to FTA Region 8, the metropolitan planning organization, which is Denver Regional Council of Governments (DRCOG), and the Colorado Department of Transportation, for incorporation into the State Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP). RTD's next update to its TAM Plan, as outlined by the FTA, is slated for 2025. It is not feasible for RTD to meet the PUC's request that the agency modify the TAM Plan by August 30, 2024. Finally, for clarification, unlike the Downtown Rail Reconstruction Project currently underway, the activities along the Southeast Corridor are not infrastructure improvements but ongoing preventative maintenance.

I thank you and the PUC for providing this opportunity to address these concerns. RTD looks forward to continuing its strong relationship with the PUC and, together, working to maintain an operationally safe and reliable light rail network in the Denver metro area.

Sincerely,



Debra A. Johnson  
General Manager and CEO

cc: Cindy Terwilliger, Regional Administrator, Federal Transit Administration Region 8  
Eric Blank, Chairman, Colorado Public Utilities Commission  
Megan M. Gilman, Commissioner, Colorado Public Utilities Commission  
Tom Plant, Commissioner, Colorado Public Utilities Commission  
Pam Fischhaber, Deputy Director of Public Safety, Colorado Public Utilities Commission  
Erik Davidson, Chair, RTD Board of Directors  
Doug MacLeod, Chief Financial Officer  
Dave Jensen, Assistant General Manager, RTD Rail Operations  
Dan McLain, Chief Safety Officer and Senior Manager, Safety and Environmental Compliance  
Louis Cripps, Senior Manager, Asset Management



**COLORADO**

**Department of  
Regulatory Agencies**

Public Utilities Commission

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

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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.”<sup>1</sup>

Thus, this letter also serves as official written notification<sup>2</sup> 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.

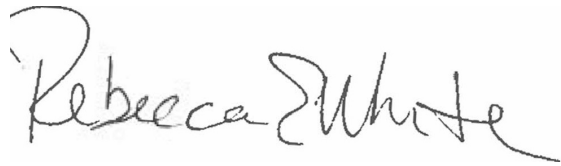
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<sup>1</sup> 2024 PTASP, 1.2.1 Goals

<sup>2</sup> 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 'W'.

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