

Decision No. C21-0042

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20M-0109R

REPOSITORY DOCKET FOR THREE-YEAR SAFETY OVERSIGHT AUDIT AND INVESTIGATIONS OF THE REGIONAL TRANSPORTATION DISTRICT.

**COMMISSION DECISION APPROVING
SEMI-ANNUAL AUDIT REPORT 1**

Mailed Date: January 27, 2021
Adopted Date: January 27, 2021

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the Semi-Annual On-Site Safety Audit 1 Report (Audit Report 1) of the metro Denver area Regional Transportation District (RTD) light rail operation filed on January 19, 2021.

2. Audit Report 1, dated January 19, 2021, represents the first audit of a three-year on-site safety and security of RTD's Public Transportation Agency Safety Plan as required by Rule 7352 of the Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (CCR) 723-7. The Commission Safety Audit Rule 7352 was completed by Staff of the Commission (Staff). There were 11 findings of non-compliance made during the audit. RTD has provided corrective action plans for each of the findings resulting from this audit.

3. As required by Rule 7352(c), RTD was provided 30 days to review the draft Audit Report 1. RTD's comments were preparation and submission of the corrective action plans to address the findings found during the audit.

4. This audit report is the first audit completely under the new 49 *Code of Federal Regulations* (CRF) Parts 673 and 674. The new federal rules are based on Safety Management Systems (SMS) with four elements making up SMS including Safety Management Policy, Safety Risk Management, Safety Assurance and Safety Promotion. SMS is a top down, data driven management system that is far more documentation intense than what was outlined in the previous System Safety Program Plan requirements of 49 CFR Part 659. RTD's SMS program is in its infancy, so there will likely be numerous findings of non-compliance over the next six audits primarily from lack of documentation. This is not to say RTD's safety performance has degraded from past audits, but rather that there is a current lack of formal documentation of many of RTD's processes and procedures as required under SMS.

5. The Commission has reviewed Audit Report 1 prepared by Staff and concurs with the contents of the report.

6. With the changes that will be continuously occurring to RTD's PTASP, RTD documentation, and potentially Commission Rules in the future, we will allow Staff the flexibility to update these checklists throughout the audit cycle as needed to make required reference changes.

7. The Commission has jurisdiction in this matter under § 40-18-103, C.R.S., and Rule 7352.

II. ORDER

A. The Commission Orders That:

1. The Commission approves the Semi-Annual On-Site Safety Audit 1 Report dated January 19, 2021.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 27, 2021.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners