

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19I-0347R

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.

**COMMISSION DECISION DISCUSSING RTD BUDGET
ANALYSIS AND CLOSING CORRECTIVE ACTION PLAN**

Mailed Date: February 3, 2021

Adopted Date: February 3, 2021

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the Regional Transportation District's (RTD) Analysis of Budget Issues Regarding Technological Mitigation and Plan to Move Forward (RTD Analysis), filed by RTD on January 29, 2021. In the RTD Analysis, RTD provides information on its 2021 budget, how that affects the technological mitigations discussed in the original Corrective Action Plan (CAP) and provided RTD's plan to move forward on technological mitigations.

B. Background

2. By Decision No. C19-0535, issued June 19, 2019, the Commission opened this investigation and required RTD to file a CAP regarding the Sable Boulevard and Exposition Avenue derailment and any associated hazard analysis, if necessary.

3. RTD filed its proposed CAP and associated hazard analysis on July 18, 2019.

4. By Decision No. C19-0665, issued August 6, 2019, the Commission requested additional information and actions to be included in RTD's CAP. The Commission found RTD's proposed CAP addressed most of the human factors related to the accident, but did not provide enough analysis of some of the potential mechanical issues, additional equipment that could be used on the alignment to alert operators to speed restricted areas, and additional human factor issues. The Commission determined to add specific actions and requirements to the CAP that must be completed before it would approve corrective action for the accident.

5. On September 16, 2019, RTD filed an addition to its CAP adding proposed mitigation measures and supplemental information responding to the questions posed by the Commission.

6. The part of the CAP that is the subject of this Motion involves RTD evaluating possible technology that could be installed in the light rail vehicles that would either enhance operator awareness, provide better oversight of operations, or prevent speeding. These technologies include the following: 1) upgraded cameras to include in cab and forward facing cameras which have been included in the 29 new LRV's placed in service, but which will need to be added to the existing 172 vehicles, which will cost approximately \$4M for which no budget has been identified or appropriated by RTD in the short or long term; 2) enhanced Automatic Train Control (ATC) which would establish vehicle to wayside communications to monitor vehicle position and speed and would provide signal enforcement and civil speed control of all trains, thus eliminating red signal violations and govern the speed of all trains at a cost of \$12-15M for which RTD states \$7M is in the current short term budget for 2019, \$2M in the 2020 budget, and \$1M per year in budget years 2021-2025 (RTD states this budget allows for some type of enhanced ATC system, but is insufficient to acquire any type of system currently

available for a fleet of RTD's size); and 3) communication based train control/ultra wide band communications, which would provide very sophisticated control of train position, speed, braking distance, signal systems, etc. at an approximate cost of \$100M, which RTD indicates is cost prohibitive. RTD is evaluating grant funding opportunities, alternatives, and budget adjustments. However, RTD reports these technology enhancements are cost prohibitive in the short term and long term under its current budget.

7. By Decision No. C19-0829, issued October 11, 2019, the Commission approved RTD's CAP and the amended CAP. The Commission ordered RTD to move forward with the proposed mitigation measures discussed in the original and amended CAP filings. The Commission further ordered RTD to, by April 30, 2020, make an additional filing in this proceeding providing a full analysis of RTD's budget issues regarding adding technological mitigation to its light rail system and proposing how RTD plans to move forward with enhancing its system and operations with additional technologies.

8. On May 26, 2020, RTD submitted a first Motion for Extension of Time to Provide Analysis of Budget Issues Regarding Technological Mitigation and Plan to Move Forward, requesting an extension to August 31, 2020, to provide the required budget analysis. The request was made due to circumstances arising from the novel coronavirus (COVID-19) pandemic. RTD stated it had been deeply involved with the unprecedented demands of the COVID-19 crisis management for its mass transit system since March 2020. RTD further stated, because of COVID-19, it had been required to make amendments to its budget to cover COVID-19 financial impacts, which impacts had not yet been finalized at that time. RTD indicated that it expected the long-range effects of COVID-19 on work practices, operations, and budget would become more apparent, and the burden of these issues related to the budget would have been met, by the

requested new filing date of August 31, 2020. By Decision No. C20-0417, issued June 4, 2020, the Commission granted RTD's request to extend the filing date of the budget analysis to August 31, 2020.

9. On August 28, 2020, RTD filed this second Motion, requesting a further extension to January 31, 2021, to file the required budget analysis. This Motion requested until January 31, 2021 to file the required budget analysis due to delays that had occurred because of the COVID-19 virus.

10. On January 29, 2021, RTD filed its Analysis of Budget Issues Regarding Technological Mitigation, and Plan to Move Forward.

C. Analysis

11. On November 17, 2020, the RTD Board of Directors adopted RTD's 2021 budget (Budget). The Budget assumes service levels of approximately 55 percent of pre-Pandemic levels. These budget reductions include a \$367.4M reduction in grant revenue, \$5.4M reduction in farebox revenue, \$81.4M reduction in new capital spending, \$103.8M reduction in operating expenses (including projected layoffs of 309 represented employees and 90 salaried employees), \$34.9M set aside for an increase in reserve, and \$1M remaining for capital improvements after budgeting \$17.1M for capital improvements with \$16.1M of those funds required for electric bus purchases as required from the Volkswagen Settlement Fund. These changes total to an approximate \$221.1M budget reduction from the 2020 budget. Last, RTD is expecting \$2.03M in Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) from the Federal Transit Administration. The CRRSAA grant may only be used for operating expenses and maintenance of its public transportation system, so ultimately there is still an \$18.5M budget shortfall from the 2020 budget.

12. With the budget reduction of \$18.5M from the 2020 budget, there is no funding to put towards capital improvements using any technological enhancements of the light rail system signal enforcement and speed control.

13. Given the 2021 budget is based on projections, and not knowing when and how the COVID-19 issue will be resolved, it is possible that the economic uncertainties will end, perhaps as early as 2022.

14. With the future economic uncertainties, RTD is committing to engage consultant services in 2021 to perform an analysis of functionality, availability, and cost of Enhanced Automatic Train Control systems such as the Metrom system, or similar sustainable technology. This will help RTD be ready to start procurement, design, and installation of system enhancements in the future.

D. Conclusions

15. We find that RTD has been steadily working to complete the required mitigation actions involved with this CAP. The budget analysis provided in this filing completes the required mitigation actions for this CAP.

16. With the budget constraints that RTD is currently facing, it is not possible for any technological improvements to the light rail system to be installed. The preliminary step of obtaining consultant services to review available technology and determine which technology will provide the results sought by RTD will continue to move the process forward and will prepare RTD to move forward with these safety improvements in the future when budget constraints are removed.

17. We find that good cause exists to accept RTD's budget analysis and plan to move forward with future improvements. With this final analysis, we will close this CAP.

II. ORDER**A. The Commission Orders That:**

1. The Regional Transportation District's (RTD) Analysis of Budget Issues Regarding Technological Mitigation and Plan to Move Forward (RTD Analysis), has been analyzed by the Commission consistent with the discussion above.

2. RTD shall engage consultant services in 2021 to perform the analysis of functionality, availability, and cost of Enhanced Automatic Train Control systems.

3. The CAP for the Sable Boulevard and Exposition Avenue derailment is closed.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 3, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners