

Decision No. C25-0178

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22I-0471R

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

**COMMISSION DECISION CLOSING SPECIFIC
CORRECTIVE ACTIONS AND REQUIRING RESPONSES
TO REDEVELOP FINAL CORRECTIVE ACTION
FOR CAP3-09212022**

Issued Date: March 13, 2025
Adopted Date: March 5, 2025

I. BY THE COMMISSION

A. Statement

1. On September 21, 2022, a Regional Transportation District's ("RTD") light-rail vehicle derailed at the intersection/crossing of Sable Boulevard and Exposition Avenue in the City of Aurora resulting in the decoupling of the two light-rail vehicles and three injuries requiring transport.

2. Today's discussion involves reviewing the RTD's Notice of Corrective Actions Completed and responses to Commission's Requests for Additional Information filed on February 6, 2024, and RTD's Notice of Corrective Actions Taken and Request to Modify Final Corrective Action, filed on February 10, 2025, for CAP3-09212022. We review the information filed by RTD to support the interim and final corrective actions for CAP3-09212022 and responses

to two questions posted by the Commission, and if the Corrective Action Plan (“CAP”) can be closed.

3. Now being fully advised in this matter, we will deny RTD’s request to modify the final CAP and requested CAP closure, require RTD to provide responses to questions contained within this Decision information about if the RTD Board of Directors authorized the General Manager and CEO to execute the contract for purchase and installation of the new camera systems, a timeline of when the new in-cab camera’s will be installed, and a plan of how RTD will address the issue of how RTD will address the antiquated recording systems currently in use on 174 light rail vehicles.

B. Finding of Fact

4. RTD states in its filing that it has completed the remaining corrective actions ordered and approved by the Commission for CAP3-09212022 with a request to modify the final corrective action item. RTD also provides answers to two questions posed by the Commission.

1. CAP1-09212022 - Question 1

5. By Decision No. C23-0598, issued September 12, 2023, the Commission asked the following question:

- a) Has funding for the ATS installation been budgeted and/or appropriated?
If not, why not?

6. RTD responded that project costs were included in the 2024 budget adopted by the RTD Board of Directors and appropriated for 2024 on November 28, 2023. If the costs exceed the amount appropriated in 2024, RTD staff will prioritize funding for the project costs from non-safety related 2024 expenditures.

2. CAP1-09212022 - Question 2

7. By Decision No. C23-0598, issued September 12, 2023, the Commission asked the following question regarding Automatic Train Stop (“ATS”) installation:

- a) When would ordering of the necessary equipment for the ATS installation occur?

8. RTD responded that procurement of the ATS equipment will commence after a Notice to Proceed is issued to the construction contractor. The NTP was to be issued in the third quarter of 2024 with equipment procurement to be completed by fourth quarter 2025, assuming no supply chain impediments.

3. CAP2-09212022 - Question 1

9. By Decision No. C23-0598, issued September 12, 2023, the Commission asked the following question:

- a) Will RTD be moving forward with the hiring recommendations as included in the North Highland report? If not, why not?

10. RTD responded that they agree with the North Highland report to increase staffing levels for both field supervisors and lead field supervisors with an additional 14 field supervisors and three lead field supervisors and is working toward implementing those recommendations.

4. CAP2-09212022 - Question 2

11. By Decision No. C23-0598, issued September 12, 2023, the Commission asked the following question:

- a) Has RTD budgeted and/or appropriated funding to hire the additional recommended field and lead field supervisors? If not, why not?

12. The 2024 budget was adopted on November 28, 2023, by the RTD Board of Directors and appropriated funds for these positions were included. RTD will be hiring for these positions over the course of 2024.

5. CAP3-09212022

13. By Decision No. C23-0598, issued September 12, 2023, the Commission closed the fifth interim corrective action requiring RTD to conduct a LRV operator education campaign on rule infraction for obstructing or tampering with onboard cameras.

14. The first interim corrective action requirement was for the RTD LRV Maintenance division to wire all current 4C Digital Video Recording (“DVR”) surveillance systems directly to the power source via remote fuse to make them tamper resistant. RTD hardwired all current 4C DVR surveillance systems on the 174 LRV’s directly to the power source via remote fuse. RTD completed this interim corrective action requirement December 16, 2023.

15. The second interim corrective action requirement was for the RTD LRV Maintenance division to update the existing surveillance system with new SSD’s until the new Denver VIII style surveillance system is installed on all RTD LRVs. RTD completed this corrective action on the 174 LRV’s on December 16, 2023.

16. The third interim corrective action requirement was for RTD to update procedures for handling of cameras, hard drives, and DVR’s, including hard drive installation, troubleshooting, recovery, and chain of custody. RTD did not provide information for this corrective action as the target date is September 30, 2023.

17. The fourth interim corrective action required all train impacted employees on the procedures updated in interim corrective action. RTD did not provide information for this corrective action as the target date is December 31, 2023.

18. The sixth interim corrective action required RTD to evaluate the potential for alternative remote access to retrieve video files. RTD states that they have installed the new camera systems on 29 Denver VIII LRV’s and five SD100 LRV’s, which allow these systems to download

wirelessly to and RTD served. RTD plans to install this same system on the remaining LRV fleet to include the wireless downloading capability by June 30, 2027.

19. The final corrective action required RTD to develop a formal process to verify and monitor functional surveillance systems are in place, including daily check to ensure camera functionality prior to revenue service. RTD is requesting to alter this final CAP and states they completed the altered CAP on February 6, 2025.

C. Discussion

1. CAP1-09212022 – Question 1

20. RTD answered our question regarding funding being budgeted and/or appropriated for the ATS installation. The 2024 budget included the costs for the ATS project with a commitment to prioritize funding for the ATS project from non-safety related 2024 expenditures if needed.

2. CAP1-09212022 – Question 2

21. RTD answered our question regarding procurement of the ATS equipment and installation. The equipment will be ordered once a Notice to Proceed is issued to the construction contractor with the project being completed in the fourth quarter of 2025.

3. CAP2-09212022 – Question 1

22. RTD answered our question regarding appropriated funding to hire additional field and lead field supervisors. The 2024 budget included funds for the new positions.

4. CAP2-09212022 – Question 2

23. RTD answered our question regarding appropriated funding to hire additional field and lead field supervisors. The 2024 budget included funds for the new positions.

5. CAP3-09212022

24. RTD provided information showing that it has completed interim corrective actions 1, 2, 3, 4 and 6.

25. RTD discusses it has implemented a daily health verification for LRV's that had older camera systems that have been replaced with the next generation equipment that can verify the functionality of the system and can have information downloaded to RTD servers wirelessly.

26. RTD states that despite its best efforts, the end of useful life age of the original camera system and availability of replacement parts, RTD, even if a pre-service process to confirm the DVR is powered on and record light is illuminated, it is possible that a DVR may not be recording even when the light is illuminated. RTD explored options to install monitors on vehicles with older camera systems to test and verify camera and DVR functionality, it would take approximately six months to install this equipment estimated to cost \$17,000 and 10 hours of time daily for mechanics to perform the testing. This would still not confirm the DVR was recording once the LRV is on the alignment.

27. RTD has issued a competitive solicitation to replace the older cameras with the forward-facing in-cab cameras on the remaining 157 LRV's and the RTD Board of Directors was to be asked to authorize the General Manager/CEO to execute the contract with the top proposer in an amount not to exceed \$3 million with the intent to install these systems on all LRV's by the June 30, 2027 deadline outlined in 4 *Code of Colorado Regulations* ("CCR") 723-7-7349(b).

28. For the reason above, RTD is requesting to modify the final cap from "Develop a formal process to verify and monitor functional surveillance systems are in place, including daily check to ensure camera functionality prior to revenue service" to "Develop *and implement* a formal process *to conduct* daily checks to ensure *functioning surveillance systems on in-service trains*

with the new camera systems.” RTD states that it completed this revised corrective action on February 6, 2025.

29. We have two issues with RTD’s request to modify its final corrective action for CAP3-09212022.

30. The first issue is that RTD did not come to the Commission to request a change to the CAP and to get that change approved before performing the final corrective action. Commission Rule 4 CCR 7347(d)(I) requires that a CAP must review and formally approve the CAP before the RTA begins its safety risk mitigation activities. RTD failed to do this when it changed its CAP without Commission review and approval.

31. The second issue is the changed CAP does not address the issue it was meant to address.

32. The problem that needs to be solved is the lack of recording from the derailment that occurred on September 21, 2022. While there are new camera systems on 34 of the LRV’s, the old systems remain on 157 LRV’s, which means that there is a chance that a future accident may not be recorded. This is the issue that still needs to be mitigated.

33. If RTD is unable to ensure that the older systems may not be recording after vehicles have pulled out of the yard, what is RTD going to do in the short term to make sure that accidents are recorded until the 157 remaining LRV’s have the new system installed, which will not be completed until June 2027?

34. Can RTD start using LRV’s with the new in-cab camera systems on the head ends of LRV consists for the short-term starting on the R-Line until the ATS system has been installed, tested, and placed in service, and moving to the other lines as additional LRV’s are equipped with the new in-cab camera systems? Does RTD have any other ideas of what can be done in the short

term to ensure that head end vehicles with operational camera systems are being used so that the details of any accidents can be recorded?

D. Conclusion

35. Based on our review of the documentation provided by RTD for the remaining interim corrective action items for CAP3-09212022, those interim corrective action items can be closed.

36. We will require RTD to answer the following questions:

- a) Did the RTD Board of Directors authorize the General Manager and CEO to execute a contract with the top proposer in an amount not to exceed \$3 million?
- b) If the Board of Directors authorized the General Manager and CEO to execute a contract with the top proposer, has that contract been executed? If not, when will the contract be executed?

37. We will also require RTD to redevelop the final corrective action for CAP3-09212022 to provide a short-term solution to the recording issue to be used on the R-Line and throughout the rest of the system to use as the new in-cab camera systems are installed over the next 27 months, including a timeline of when the new in-cab camera's will be installed.

II. ORDER

A. The Commission Orders That:

1. The request by RTD to modify the final corrective action in CAP3-09212022 and close the CAP is denied.

2. The Regional Transportation District ("RTD") is required to provide answers to the questions posed by the Commission for CAP3-09212022.

3. RTD is required to redevelop the final corrective action for CAP3-09212022 for Commission review and approval and to update the final corrective action completion date within 30 days of the issue date of this order.

4. The remaining interim corrective actions for CAP3-09212022 are closed.

5. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 5, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MEGAN M. GILMAN

TOM PLANT

Commissioners

COMMISSIONER ERIC BLANK
ABSENT