

Decision No. C25-0223

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 23I-0047R

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IN THE MATTER OF THE REGIONAL TRANSPORTATION DISTRICT'S CORRECTIVE ACTION PLAN REGARDING THE 19TH STREET AND STOUT STREET CONDEMNED RAIL, RULE 4 CCR 723-7-7347.

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**COMMISSION DECISION APPROVING  
CORRECTIVE ACTION PLANS AND REQUIRING  
ADDITIONAL FILINGS FROM RTD**

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Issued Date: March 25, 2025

Adopted Date: March 5, 2025

**I. BY THE COMMISSION**

**A. Statement**

1. On November 15, 2022, the Regional Transportation District's ("RTD") Maintenance-of-way ("MOW") found a hazardous condition of the rail at 19th Street and Stout Street that revealed rail conditions that were below industry acceptable conditions for normal rail activities. A previous inspection of the 19th/Stout embedded curve/crossing showed a negative superelevation and gauge widening conditions prompting the additional hazard investigation. MOW crews called for an immediate 3 mile per hour speed restriction on approach to the curve, through the curve, and out of the curve for the entire train consist. The rail was declared as condemned rail.

2. Under 4 *Code of Colorado Regulation* (CCR) 723-7-7347(d)(IV) of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail and Rail Crossings, RTD determined that the condemned rail warranted an emergency corrective action to

immediately replace the rail to ensure safety and submitted Corrective Action Plan (“CAP”) 01-11222022 for the emergency corrective action to continue rail operations under the speed restrictions and with flaggers walking the LRV train through the intersection/crossing, and to replace the condemned rail starting December 23, 2022.

3. On March 6, 2023, RTD filed CAP02-1122022022 as requested by the Commission.

4. On March 13, 2023, Staff of the Commission sent correspondence to RTD requesting that RTD make a correction to the CAP to provide a complete implementation schedule and requested RTD to include the hazard investigation as part of the filing to provide context to the CAP.

5. On March 14, 2023, RTD filed the corrected CAP and the hazard investigation.

6. The Commission approved CAP02-11222022 by Decision No. C23-0213 issued April 4, 2023.

7. On June 22, 2023, RTD filed an Unopposed Motion for Extension of Time to Complete Interim Corrective Action Plan Measures (“Motion”) requesting an additional 120 days to gather and analyze data and prioritize the rail replacement for the downtown loop.

8. The Commission approved the Motion by Decision No. C23-0444 issued July 7, 2023.

9. On October 30, 2023, RTD filed a Notice of Corrective Actions Completed and included information and exhibits showing that the four interim measures had been completed as approved.

10. On February 10, 2025, RTD filed a Notice of Corrective Actions Completed and included information and exhibits showing that two of the four final measures of the CAP had

been completed and file some information regarding the third and fourth final measures of the CAP.

11. Now being advised, we will close part of CAP02-11222022 and will require RTD to file additional information on the remainder of the CAP02-11222022.

**B. Analysis**

12. RTD proposed four interim measures and four final measures as part of CAP02-11222022.

13. The first interim measure required RTD is to use the Operational Risk Management assessments as part of the asset information (“data”) to make prioritizations for asset renewals.

14. RTD provided Attachment 3 to its October 30, 2023 filing showing the results of the Operational Risk Management assessment of the rail in the downtown loop as a category 2A, which is unacceptable in the risk assessment matrix.

15. The second interim measure involved evaluating the downtown rail replacement project, including revised conditional assessments of the remaining sections to update the prioritization of replacements scheduled.

16. RTD provided Attachments 4, 5, and 6 to its October 30, 2023 filing. Attachment 4 shows the geographic extents of the RTD Central corridor from the I-25/Broadway station to the 30th/Downing Street station, the oldest track in the RTD Light Rail System that was assessed as part of this CAP. Attachment 5 outlines the areas included in the four phases planned for rail replacement. Attachment 6 shows the cross sections of the single and double track sections that were being replaced. RTD has been providing weekly information on its progress in the Central Corridor replacements and other system areas where rail replacement and rail grinding has occurred throughout the entire RTD Light Rail System.

17. The third interim measure was to evaluate industry track standards, including Federal Railroad Administration standards to determine whether a more robust classification method exists to document wear.

18. RTD provided Attachment 1 to its October 30, 2023 filing, which is a memorandum on industry track standard comparisons and RTD's determination to adopt the APTA-RT-FS-S-002-02 Transit Track Inspection and Maintenance Standard Revision 1, which is an industry standard and will be used to inspect and document wear.

19. The fourth interim measure was to conduct asset management bypass process training at the asset steward level, including assistant general managers, superintendents, senior managers, and managers.

20. RTD provided Attachment 2 to its October 30, 2023 filing showing the slides used to conduct the bypass exception process training that was conducted.

21. The first final measure was to develop an Asset Class Strategy for light rail infrastructure including all asset types and sub types.

22. RTD provided Attachment 1 to its February 10, 2025 filing showing the process for how RTD developed and how RTD is implementing asset class strategy

23. The second final measure was to enhance the tracking and evaluation criteria for areas in the light rail infrastructure that have known accelerated wear, deterioration, or corrosion.

24. RTD used its enhanced tracking and evaluation criteria and used the new condition inspection methodology to inspect the entirety of the light rail system. As a result, RTD instituted a number of speed restrictions along the system for areas identified where conditions were rated using the new one to five condition rating scale and identified as needing repair or replacement.

RTD created a web page where customers can see where the light rail speed restrictions are currently located and provide information when the speed restrictions are lifted.

25. The third final measure includes evaluating the cross-department coordination procedures for rail infrastructure replacement to ensure alignment and accountability with the approved Transit Asset Management Plan and the Public Transportation Safety Plan.

26. RTD has not filed any documentation for Commission review showing the Commission the third final measure is complete.

27. The fourth final measure is to integrate operational risk management and safety assurance into the decision-making process for asset renewals.

28. RTD has not filed any documentation showing for Commission review showing the Commission the fourth final measure is complete.

### **C. Conclusion**

29. We have reviewed the information for the CAP02-11222022 filed by RTD on October 30, 2023 and February 10, 2025.

30. The October 30, 2023 RTD filing shows that all of the interim corrective actions have been completed as ordered.

31. The February 10, 2025 RTD filing shows that final corrective actions one and two are complete.

32. Although RTD states they have completed final corrective actions three and four, RTD has not filed any documentation in this proceeding to show the Commission that final corrective actions three and four are finished.

33. For Commission investigative corrective action proceedings, RTD is required to file documentation in the proceeding for the Commission to review. Staff review of documentation

is not accepted unless the Commission has ordered Staff to review documentation or field conditions.

34. RTD is required to file documentation in this proceeding for Commission review before final corrective action items three and four of CAP02-11222022 can be closed. We will require RTD to file this documentation within 30 days of the issue date of this order.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Corrective Action Plan (“CAP”) 02-11222022 filed by Regional Transportation District’s (“RTD”) interim corrective action items 1 through 4 and final corrective action items 1 and 2 are closed.

2. RTD is required to file documentation for corrective action items for final 3 and 4 in CAP 02-11222022 in this proceeding for the Commission to review.

3. This Decision is effective on 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

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TOM PLANT

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Commissioners

COMMISSIONER ERIC BLANK  
ABSENT