May 15, 2020

The Honorable Jared Polis  
State Capitol Building  
200 East Colfax Avenue, Room 136  
Denver, CO 80203  
governorpolis@state.co.us

Dear Governor Polis,

Thank you for all you are doing to keep us safe during this pandemic, and thanks for your May 7 letter in response to our prior communication. In your letter, you set out certain concerns that we hope to address here.

**Safety Measures**

In your response, you urged RTD to implement additional safety measures:

1) to reduce the number of passengers on especially busy routes;

2) to ensure that all employee lounges and work areas have clear postings for social distancing; and

3) to ensure that the same protective measures in our guidelines are also afforded to contractors.

Safety is RTD’s core value, and we embrace a culture of safety. As such, we are pleased to report that the measures listed above have already been implemented through the following actions:

1) RTD has set capacity limits on each of our vehicle types to provide people with the opportunity to practice social distancing. Those capacity limits are 15 passengers on a 40’ bus, 20 on 60’ articulated bus, and 30 on a rail car. We have empowered our operators to bypass stops if those limits would be exceeded by picking up additional passengers. In addition, we have instructed operators to call dispatch when they see situations developing that make social distancing difficult to maintain, and we are dispatching additional vehicles to supplement. We also call on our passengers to take personal responsibility to help ensure they maintain social distancing when they are on board and ask them not to board if they feel social distancing cannot be maintained. We are only seeing capacity limits met, or occasionally exceeded, on a handful of routes (running down Colfax and Federal Blvd. and through downtown to the National Western Complex). These busier routes represent less than 1% of all routes, and we are focusing efforts to mitigate concerns in those areas.

Though rear-door boarding and suspension of fares were implemented to enhance the safety of our operators, those measures have created new challenges to manage, as the operators have less control over who boards. RTD wants its operators to
concentrate on safely operating the bus or train, and we do not have the law enforcement resources to add security personnel on every vehicle. We have assigned law enforcement to specific areas, but some vehicles do still get overloaded, with many individuals attempting to shelter in place as a result of the COVID-19 pandemic shutting down a large number of shelter beds in the region.

2) We send constant reminders to employees and include those reminders in daily briefings and bulletins. We have posted signage reminding employees to maintain social distancing and to wear face coverings in all RTD facilities and vehicles and property. We have also placed markers on floors, removed chairs, and closed common areas in all facilities to promote proper social distancing. All work areas have been evaluated to ensure social distancing can be maintained, and in the few task areas where distancing is impractical or impossible, masks are required, and we provide adequate PPE.

3) We have shared all policies and processes with our transportation contractors and expect them to comply with our policies regarding social distancing and the use of face coverings. In addition, all contractors must comply with our PPE and visitor policies when on RTD property, and we expect them to adhere to public health orders issued by CDPHE or DDPHE and surrounding county health orders, just as our employees do.

**CARES Act Funding**

Your letter also urges RTD to ensure oversight of the RTD budget following the receipt of $232 million in funding from the federal CARES Act. RTD is incredibly fortunate to have received access to such a lifeline, without which the agency would have been forced to take drastic measures, such as suspending service across a wide area of the district and drastically reducing the hours required of workforce we have so diligently worked to augment.

This funding, however, is not a windfall. In order to draw down CARES Act funds, RTD must itemize each eligible expense in its reimbursement request to the Federal Transit Administration (FTA). The FTA is also required to perform an audit following the disbursement of funds. We have attached a brief overview of this process for your review.

Further, even in the event that RTD receives the entire $232 million, our revenue projections show that even this large amount will not be sufficient to cover our losses due to the heavy toll COVID-19 has taken on the state’s economy. As a proactive measure, we are making significant reductions in our budget including administrative costs.

**Oversight of Budget, Operation, Administration, and Finance**

Pursuant to the authority granted by the RTD Act, the Colorado General Assembly designated RTD’s Board of Directors as the entity responsible for oversight of the RTD’s operation, administration, finances, and policies that address the public transportation needs of the communities we serve. Further, the RTD Board ensures that all of RTD’s finances, from individual expenditures to the budget process, are transparent, available, and open to inspection under applicable state and federal law. This Board has been making changes, including hiring an experienced interim CEO and beginning the search for a long-term CEO, and electing a new chair and executive committee.
That said, we are aware of current legislative efforts to reform perceived deficiencies in agency oversight and of the current tone of public and media commentary regarding the agency. We acknowledge that additional steps must be taken to bolster public perception and public trust in our governance of this important agency. As such, we support the formation of a committee whose role is to ensure the agency’s accountability. We propose that the committee be composed of individuals from the community with extensive experience and insight into the agency, legislators, and members of your administration with expertise in transportation matters, along with some RTD board members. The committee would report quarterly to the RTD Board and to the transportation committees and leadership of the General Assembly. We believe we can create an independent committee that will give you and the legislature the oversight you want without legislation, to save time and effort in a difficult legislative session. Either way, we will continue to work collaboratively with leadership to develop a process that moves the agency forward.

Additionally, RTD is already subject to performance and financial audits by the Office of the State Auditor (OSA) as often as the OSA deems necessary. OSA is currently in the middle of an audit review; we eagerly await OSA’s findings and will work to implement improvements to our processes based on those findings.

RTD is a committed and loyal regional partner, and we value our continued communication, collaboration, and cooperation with your administration. We look forward to a constructive and open dialogue with you and our partners in the Colorado General Assembly in the coming months.

Respectfully,

Angie Rivera-Malpiede
Chair, RTD Board of Directors

Paul J. Ballard
Chief Executive Officer
General Manager