

There are several questions and concerns I have about CATS in advance of our Wednesday MTC meeting. To first recap, CATS' interim CEO Brent Cagel revealed to City Council that a CATS train derailed last May, 2022 (prior to Mr. Cagel's tenure).

The train derailment was withheld from the public, City Council, and the MTC, of which I am a member, for approximately 10 months. The only formal notice MTC members have had of the derailment to date is an email we received from CATS staff 7 days ago.

### **1. Failure to Disclose**

The failure to disclose the train derailment is inexcusable. Over the last ten months, CATS has presented to City Council, the MTC, and the citizen-led Transit Services Advisory Committee on multiple occasions, but CATS remained silent about this. Of all CATS' recent problems, this is the most egregious because it goes to fundamental competence, safety, and transparency.

Moreover, to the extent CATS has finally disclosed the bare facts, the information has been insufficient. Attached to my email are communications from NCDOT to CATS stating CATS' proposed completion date to fix the problem gives rise to an "unacceptable hazardous condition." NCDOT states also that CATS' "safety risk mitigation ... does not reduce the associated safety risk to an acceptable level."

Yet I would not have known this or had these NCDOT communications were it not for a WFAE reporter who obtained these DOT letters and made them public. The fact that CATS failed to share and disclose such critical communications to the public, City Council, and the MTC is also wholly unacceptable.

### **2. Cause of Problem**

One of the facts to be gleaned from NCDOT's letter is that CATS's "delayed maintenance ... directly contributed to the derailment" on May 21, 2022.

The public deserves to know, how is it even possible for CATS to fail to keep trains updated on maintenance? What sort of failure of basic oversight could allow that condition to arise?

Although the CEO who was in charge at the time is no longer with CATS, he was not the only person who had knowledge of the failure to adhere to these maintenance obligations. Where were those people in raising their concerns to the City Manager or the public? Who in the city is charged with oversight over CATS' CEO to ensure that basic maintenance was occurring?

### **3. Failure to Remediate**

The train derailment happened ten months ago. It appears no remediation of the problem was initiated for most if not all of the ensuing ten months. Has remediation been initiated now and why did months go without starting the process?

#### **4. Failure to Slow Down**

When did NCDOT first tell CATS that it should reduce speeds on the trains to 35 MPH as a response to learning that trains were susceptible to an axle failure and derailment?

When did CATS implement the system-wide speed reduction to 35 MPH?

#### **5. A Culture of Silence**

It would seem someone at CATS would have felt an ethical obligation to reveal this information to the City Manager, City Council, the MTC or the public over the last ten months. It thus appears there is a work environment whereby CATS staff felt unable to come forward with safety concerns not being handled properly by upper management. This is a serious problem of workplace culture which can and did jeopardize public safety. It needs to be addressed quickly.

#### **6. On-Going Risk - Still Operating Unsafely?**

NCDOT's letters to CATS state at various points:

- a. CATS is currently operating trains which have surpassed the manufacturer's recommended axle overhaul thresholds
- b. 1/3 of CATS total light rail fleet have axle-bearing strips which have reached or exceeded 130 degrees or higher
- c. CATS has not "conducted any form of risk assessment or hazard analysis ... to identify additional risks that the condition of deferred maintenance may be causing."
- d. "NCDOT does not approve CATS' current risk mitigation plan"

Thus we must ask, are the trains safe?

And at this juncture, it is also unfortunately necessary to ask, can CATS' answer be trusted?

#### **7. Cost to Repair**

The public needs to receive information about the cost to fix the CATS fleet. The impact to future budgets must be a part of understanding the full scope of this malfeasance.

#### **8. Broken Trust with the Public**

On the May 21, 2022 when the train derailed, CATS merely tweeted that there was a train "malfunction." This is a gross understatement that rises to the level of being a misrepresentation. Further, this kind of lack of transparency will justifiably cause residents not to trust CATS' public statements. I have attached a screenshot of the [tweet](#) here.

For all these failures, the public is owed an apology by CATS.

#### **9. Next Steps**

a. The community should understand when the City Manager knew about the derailment and his knowledge regarding the failure to disclose the derailment. If the City Manager did not know about it before last week's disclosure, City Council and the MTC deserve to understand the specific breakdown of direct reports such that City Manager was not aware of something of this magnitude.

b. CATS was assessed last year for managerial deficiencies. That long-awaited report was released to the public the day before Christmas which ensured it received virtually no attention. This train derailment inquiry cannot suffer from the same attempt to bury bad news.

c. Due to the limited time I would have at Wednesday's MTC meeting to present all my questions and concerns, I have listed them in this email. I respectfully ask for a written response to all the questions posed here.

d. Like the failure to engage in maintenance of the trains, the interim CATS CEO just briefed City Council on the failure of the previous CEO to order new buses on a regular cadence. As a result, CATS found itself in the position of urgently needed to place orders for new buses, saying failure to do so threatened uninterrupted bus service for our residents.

These events taken together suggest there is insufficient oversight over the entire CATS system of which the derailment is just most serious example. Thus, for the safety of our residents and the viability of our transit system, these chronic organizational problems must receive appropriate attention. It is necessary but not sufficient to fix the trains -- competently and as quickly as possible. We must also understand organizationally how it is even possible a systemic failure of this scope could occur in the first place. Without understanding how mismanagement at this level was possible, we will not have taken the necessary steps to protect the public from future failures.

Therefore, on Wednesday, I will make a motion for the MTC to select a third-party transit consultant to perform an operational investigation to establish all the relevant facts related to May, 2022 train derailment and the subsequent 10-month failure to disclose and take appropriate steps to address.

In closing, I reiterate my disappointment. Our residents deserve much better.



**Leigh Braslow Altman, J.D.**  
**County Commissioner, At-Large**  
Mecklenburg County Government  
600 East 4th Street, 11th Floor  
Charlotte, NC 28202  
980 279 6267  
[Leigh.Altman@MeckNC.gov](mailto:Leigh.Altman@MeckNC.gov)