

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0400CP

IN THE MATTER OF THE PETITION OF UNION TAXI COOPERATIVE FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER CONCERNING THE AGE OF MOTOR VEHICLE RULE 6255 (B) (AGE OF VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION GRANTING WAIVER IN PART

Mailed Date: June 16, 2014
Adopted Date: June 11, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a Petition for Waiver/Variance of Commission Rule 6255(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) filed on May 2, 2014, by Union Taxi Cooperative (Union Taxi).

2. Union Taxi requests a waiver of Rule 6255(b) (Age of Motor Vehicles) for 74¹ vehicles it currently operates as taxis. The waiver is requested for a period from July 31, 2014 through July 31, 2016.

3. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on May 5, 2014.

¹ The 74 vehicles are identified in Appendix A to this Decision.

4. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is therefore uncontested. Pursuant to § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

5. Pursuant to Rule 1003 of the Rules of Practice and Procedure, 4 CCR 723-1, the Commission may grant waivers or variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions and orders for good cause. In making a determination, the Commission may take into account, but is not limited to, considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.

6. Rule 6225(b), 4 CCR 723-6 only applies to taxi companies that provide point to point service in the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson. Rule 6225(b) reads

(b) Age of motor vehicles. The maximum age of motor vehicles shall be eight model years. A taxicab carrier operating vehicles that are over eight model years old as of August 1, 2012, shall have until July 31, 2014, to comply with this paragraph for those specific vehicles.

7. Union Taxi, under Certificate of Public Convenience and Necessity PUC No. 55776, may provide taxi service between all points (except those points in Weld County) within a 20-mile radius of 16th Street and Champa Street in Denver, Colorado, and from these points to other named areas in the State of Colorado. Therefore, Union Taxi is subject to the requirements named in Rule 6225(b) and as of July 31, 2014, may only operate vehicles that are eight model years old or less. On July 31, 2014, the eighth model year will be a 2007 model.

8. The 74 vehicles named in this petition are 2005 and 2006 models. Thirty-eight of the vehicles are 2005 models and 36 of the vehicles are 2006 models. The average mileage of the 38 2005 model vehicles is 243,400. The average mileage of the 36 2006 model vehicles is 203,400.

9. In support of the petition, Union Taxi states

Within the past year the Petitioner has had significant increases in its Workmen's Compensation insurance premiums and in its motor vehicle public liability insurance premiums as a result of events that [were] totally unforeseeable at the time the subject matter vehicles were purchase[d]. [The] petitioner, under its normal operational procedures, passes these increased expenses to the individual members of the co-op and in this instance as well as to the owners of the vehicles that are the subject matter of this petition. Those two expenses to the vehicle owners along with the increased expense of acquiring newer vehicles to comply with [R]ule 4 CCR 723-6-6255 (b) will create great financial hardship upon the owners of the subject matter vehicles with a real potential impact upon petitioner in the event these vehicle owners abandon the present position.

10. Union Taxi did submit pictures of the vehicles named in the petition. However, it is somewhat difficult to determine the condition of each of the 74 vehicles from these pictures.

11. Union Taxi states that within the past year, it has incurred significant increases in the cost of motor vehicle liability insurance and Worker's Compensation insurance. As a cooperative, Union Taxi's operational expenses are passed through to and paid by the members of the cooperative. Therefore, if Union Taxi is not granted the waiver requested in this petition, the owners of the vehicles named in this petition will also be required to incur the additional expenses of purchasing a newer vehicle.

12. In consideration of the support provided by Union Taxi, the Commission finds that good cause has been shown to grant a waiver of Rule 6255(b) for the 74 vehicles named in this petition. However, given the age and mileage of these vehicles, the Commission finds that a waiver period of two years may be excessive. The waiver will be granted for a one year period.

13. Union Taxi is advised that the grant of the waiver of Rule 6255(b) for the vehicles named in this petition does not ensure that these vehicles will pass a future safety inspection by the Staff of the Commission.

II. ORDER

A. The Commission Orders That:

1. The petition of Union Taxi Cooperative (Union Taxi) for a waiver of Rule 6255(b) for the 74 vehicles named in Appendix A is granted in part from July 31, 2014 through July 31, 2015.

2. Union Taxi shall keep a copy of this Decision in each of the 74 vehicles named in this petition. Union Taxi shall provide this Decision immediately on request by any Commission enforcement official.

3. Union Taxi shall have each of the 74 vehicles named in this petition inspected pursuant to 49 *Code of Federal Regulations* (CFR) Part 396.17, as incorporated by Commission Safety Rules, by an inspector qualified in accordance with 49 CFR 396.19; and each vehicle shall pass such an inspection. Union Taxi shall file with the Commission a copy of each completed inspection form within 30 days of the effective date of this Decision. If Union Taxi fails to comply with this requirement within 30 days of the effective date of this Decision or if the vehicle fails the inspection, then the waiver of Rule 6255(b) shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

4. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails this Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 11, 2014.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners