

Decision No. C21-0220

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21V-0106EC

IN THE MATTER OF THE PETITION OF COLORADO JEEP & OFF ROAD TOURS INC.
FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES
REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION GRANTING WAIVER IN PART

Mailed Date: April 13, 2021
Adopted Date: March 31, 2021

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 Regulated Intrastate Carrier Rules filed on March 9, 2021 by Colorado Jeep & Off Road Tours Inc. (Petitioner).

2. Petitioner requests a waiver from Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6.

3. The vehicle for which a waiver is requested is a 2005 Jeep Rubicon, VIN No. 1J4FA64S25P327949. The waiver is requested from March 9, 2021 through March 8, 2026.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 15, 2021.

5. 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.

6. In accordance with Rule 1003 of the Rules of Practice and Procedure, 4 CCR 723-1, the Commission may grant waivers from Commission rules 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.

7. Rule 6117(c), 4 CCR 723-6, states that “With the exception of a Luxury Limousine which meets the definition of “Collector’s Vehicle” in subparagraph 6305(a)(IV), no Motor Vehicle operated under a Certificate or Permit shall be more than 15 years old regardless of condition or mileage.”

8. Petitioner currently holds a permit from the Commission to operate as an Off Road Charter, Permit No. ORC-00216.

9. In support of the waiver, when identifying the reason for the petition, the Petitioner states:

The Covid19 pandemic shut us down for 3 months in 2020, including one of our busiest seasons, spring break. We are now required to operate at reduced capacity. This [requires using] more vehicles and staff for the same amount of revenue, resulting in much higher operating costs. In addition, within the last month we have seen fuel prices increase drastically, with no sign of prices levelling off throughout the 2021 tourist season. The economic and political turmoil in this country leaves us in a precarious situation. Should we be forced to replace this vehicle due to age, we have no certainty that Covid19 will not resurface and cause further economic damage and restrictions to our company, rendering us unable to keep up with payments for a new vehicle.

10. Petitioner submitted six photographs of the vehicle’s interior and exterior, the past three years of Annual Vehicle Inspection Forms, previous work orders, a valuation statement, safety features of the vehicle, proof of ownership, a revenue report, and a loan status statement.

11. Considering the unusual circumstances of COVID-19 and the fact the vehicle is a unique vehicle used for off road, the Commission finds that good cause has been shown to grant

a waiver from Rule 6117(c) for the 2005 Jeep Rubicon named in this petition and grants this petition from the mailed date of this Decision through March 31, 2022. The Commission does not find that granting a petition through March 8, 2026 is warranted and grants this petition in part to offer the Petitioner an opportunity to replace this vehicle.

II. ORDER

A. The Commission Orders That:

1. The petition of Colorado Jeep & Off Road Tours Inc. for a waiver from Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, is granted in part, from the mailed date of this Decision through March 31, 2022.

2. Colorado Jeep & Off Road Tours Inc. shall keep a copy of this Decision in the 2005 Jeep Rubicon. Colorado Jeep & Off Road Tours Inc. shall provide this Decision immediately on request by any Commission enforcement official.

3. 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.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 31, 2021.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners