

(Decision No. C93-727)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF EMERGENCY RULES)
AND REGULATIONS GOVERNING MOTOR)
CARRIERS TRANSPORTING PASSENGERS)
UNDER TEMPORARY AUTHORITIES FOR)
WORLD YOUTH DAY.)

DOCKET NO. 93R-330

Mailed Date: July 1, 1993
Adopted Date: June 23, 1993

STATEMENT OF ADOPTION

On June 23, 1993, and pursuant to § 24-4-103(6), C.R.S. (1988), the Colorado Public Utilities Commission (PUC) adopted emergency rules relating to motor carriers of passengers under temporary authorities for World Youth Day. These emergency rules, attached hereto, shall be in effect from August 9 through 16, 1993, inclusive. The requirements of these rules are in addition to those requirements set forth in Commission Decision No. C93-532 in Docket No. 93A-083CP-TA relating to issuance of temporary authorities for transportation of passengers during World Youth Day.

As we noted in Decision No. C93-532, World Youth Day will place extraordinary demands on the transportation services of the Denver-Metro area. In order to meet those demands, we issued Decision No. C93-532 which specifies under what circumstances temporary authorities would be issued for World Youth Day. The Commission further finds that certain emergency rules are required for the preservation of the public's health, safety, and welfare. Specifically, the Commission finds that a requirement for safety inspections issued within 90 days of World Youth Day for vehicles operating under the temporary authorities for World Youth Day is necessary for the health, safety, and welfare of the public. The Commission further finds that notice to the public that motor carriers operating under temporary authorities for World Youth Day are not rate regulated is also necessary for the welfare of the public.

Under these circumstances, and given that World Youth Day is only seven weeks away, the Commission finds that immediate adoption of these rules without notice is imperatively necessary in order that notice of the requirements of these rules be disseminated soon enough and widely enough to give the public meaningful notice of the requirements and effect of these rules and an opportunity to comply with the same. The Commission further finds, based on these

circumstances, that compliance with § 24-4-103(3) and (4), C.R.S. (1988), would be contrary to the public interest.

In addition to the notice of adoption of these emergency rules, the Commission further believes it important to advise the public of the following:

1. To obtain operating authority, Commission rules require that vehicles with a capacity of seven passengers or less must have \$500,000 combined single limit liability per vehicle. This insurance amount is \$1 million for vehicle capacity of 8 through 15, \$1.5 million for 16 through 31 passengers, and \$5 million for 32 passengers or more.

2. Personal automobile insurance generally does not cover vehicles which are used for hire. If a person wants to use a personal automobile for hire, the person must obtain separate insurance for this purpose. Because of the short duration of the effective period of the permit and the relative high risk of the activity, it is anticipated that even if available, such insurance would be expensive.

3. If the person acquiring a temporary permit plans to operate at Stapleton International Airport, the person will have to meet the insurance and permit requirements of the airport. The airport requires a minimum of \$1 million per vehicle.

4. If a safety inspection is needed, the Applicant must contact the PUC Safety and Enforcement Office to make an inspection appointment. The number to call is 894-2000, Extension 340. Any PUC conducted inspection must be completed by August 4, 1993.

5. Intrastate Applicants who currently have permanent PUC operating authority do not have to provide proof of an inspection. These vehicles are already inspected by the PUC.

6. Carriers who receive a temporary authority for World Youth Day activities will be issued a permit on red paper which will identify the carrier as a holder of a temporary authority to transport passengers for World Youth Day activities. Because of the lack of adequate time to review rates, and given the very short duration of these authorities, the rates charged by carriers under these temporary authorities for World Youth Day activities are not reviewed for reasonableness by the Commission. The temporary permit will advise potential customers that the carriers' rates are not regulated. The permit must be displayed on the inside of the carriers' windshields.

7. Carriers who hold a permanent authority from the Commission to transport passengers in areas where there are World Youth Day activities have their PUC authority number painted on the

side of their vehicles. The rates for these carriers are regulated and have been reviewed for their reasonableness.

8. Applicants for temporary permits will be charged a \$35 filing fee and a \$5 fee for each vehicle that will be used during the conference. Those rates are prescribed by State law and cannot be waived.

9. Temporary permit applicants who plan to operate within the City and County of Denver may have to obtain a Herdic license. These licenses must be obtained from the City and County of Denver where such a requirement is applicable.

10. Persons transporting out-of-state participants to and from Colorado and transporting the same passengers to World Youth Day events and are subject to Interstate Commerce Commission jurisdiction do not need to obtain the PUC temporary permit. However, compliance with applicable Interstate Commerce Commission registration rules is required.

Adopted June 23, 1993.



ATTEST: A TRUE COPY

Bruce N. Smith
Bruce N. Smith
Executive Secretary

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT E. TEMMER

CHRISTINE E. M. ALVAREZ

Commissioners

COMMISSIONER VINCENT MAJKOWSKI ABSENT.

NT:srs

EMERGENCY RULES AND REGULATIONS GOVERNING MOTOR CARRIERS
TRANSPORTING PASSENGERS UNDER TEMPORARY AUTHORITIES
FOR WORLD YOUTH DAY ACTIVITIES

STATEMENT OF BASIS AND PURPOSE

The purpose for these emergency rules is to ensure public health, safety, and welfare by requiring motor carriers of passengers under temporary authorities for World Youth Day to demonstrate vehicle safety within 90 days of World Youth Day and advise the public that the rates of such carriers are not regulated by the Commission. These rules are adopted without notice upon a finding by the Public Utilities Commission that the circumstances imperatively require, without notice, that adoption of these rules is imperatively necessary for the preservation of the public health, safety, and welfare and that compliance with 24-4-103, C.R.S. (1988) would be contrary to the public interest. The statutory basis for these rules is 24-4-103(6), C.R.S. (1988), 40-10-105, C.R.S. (1992), 40-10-111, C.R.S. (1984), 40-110-118, C.R.S. (1984), and 40-2-108, C.R.S. (1992).

RULE 1 APPLICATION OF RULES AND REGULATIONS

1.1 These rules shall apply to any motor vehicle carrier of passengers issued a temporary authority to provide transportation services associated with World Youth Day during the period August 9 through August 16, 1993, inclusive. These rules will expire on August 17, 1993.

RULE 2 TARIFF RATES AND CHARGES

2.1 For holders of these temporary authorities, there is no requirement for the filing of tariffs. There will be no rate regulation for these carriers.

RULE 3 EXTERNAL IDENTIFICATION OF VEHICLES

3.1 Each applicant who receives temporary authority for World Youth Day activities will receive a permit from the Commission for each vehicle to be used. This permit shall be placed on the inside of the windshield of the vehicle and will identify the carrier as having met the requirements for this temporary authority. This permit shall state "RATES ARE NOT REGULATED BY THE PUC."

RULE 4 COLORADO-SPECIFIC EXCEPTIONS AND MODIFICATIONS

4.1 Intrastate applicants with vehicles that carry less than 32 passengers must provide the Commission with proof of a motor vehicle safety inspection for each vehicle to be operated under the temporary permit. This safety inspection must have occurred after May 9, 1993.

4.2 Intrastate applicants that require a Commission motor vehicle safety inspection must have the vehicle or vehicles inspected by August 4, 1993.