

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0075CP-TA

IN THE MATTER OF THE APPLICATION OF SUMMIT EXPRESS, LLC FOR TEMPORARY AUTHORITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING
TEMPORARY AUTHORITY**

Mailed Date: March 1, 2024
Adopted Date: February 28, 2024

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On February 12, 2024, Summit Express, LLC (Summit Express), filed an application for temporary authority to operate as a common carrier of passengers by motor vehicle for hire for 180 days.

2. The temporary authority requested by Summit Express is:

(I) Transportation of passengers in scheduled service, between 140 Ida Belle Road, Keystone, Colorado, on the one hand, and on the other hand, the following locations in Breckenridge, Colorado: (1) Marriott Mountain Valley Lodge, 655 Columbine Drive; (2) Main Street Station, 505 South Main Street; (3) Valdora Mountain Lodge, 500 Village Road; (4) Lodge at Breckenridge, 112 Overlook Drive; (5) Grand Lodge Peak 7, 1979 Ski Hill Road. (II) Transportation of passengers, in call-and-demand shuttle service, between all points in the County of Summit, State of Colorado, and between said points, on the one hand, and all points in the County of Eagle, State of Colorado, on the other hand.

3. The Commission gave notice of the application on February 20, 2024, for a period of five days pursuant to § 40-10.1-204(4), C.R.S. The five-day notice period expired on

February 26, 2024. No interventions or responses were filed to the temporary authority application during the notice period.

4. Pursuant to § 40-10.1-204(1), C.R.S., the Commission is authorized to grant temporary authority only when “there appears to be an immediate and urgent need to any point or within a territory having no such service capable of meeting the need.”

5. The owner of Summit Express provided the following statement to support the temporary authority application:

Several Breckenridge and Keystone lodging properties reached out to us asking if we could provide the skier shuttles to get their guests to the other Epic Ski Pass resorts for a day of skiing. The service is in high demand and Fresh Tracks¹ has not operated the service for a few years now. Rideshares like Uber and Lyft have left guests stranded, which looks bad on the lodging companies and the ski towns of Eagle and Summit Counties, State of Colorado. A request to operate the service for the remainder of this winter has been expressed. This enhances the overall guest experience for their Colorado ski vacation.

6. Letters of support for this application were submitted by the Summit County Chamber of Commerce and The Lodge at Breckenridge.

7. The executive director of the Summit County Chamber of Commerce wrote:

I am writing in support of Summit Express, LLC operating under a temporary Skier Shuttle Authority for the remaining 2024 Winter season. The current Certificate holder for the Vail Skier shuttle has not operated for the 2021-2022, 2022-2023 or the current 2023-2024 Winter Seasons. This shuttle service would allow our guests in Summit County to ski over at Vail or Beaver Creek for the day and return to Summit County, thus spending dollars in multiple towns. This was a vital service to our guests for many years and would be a great benefit to have it provided again.

8. The general manager of The Lodge at Breckenridge wrote:

As the General Manager of The Lodge at Breckenridge I am writing this letter to express our need for a skier shuttle from Breck to the ski resorts at Vail and Beaver Creek. Our guests consistently inquire about the availability of such a service as they seek to maximize their experience with their Epic Ski Pass.

¹ Five Nineteen LLC dba Fresh Tracks Transportation and/or Ride Taxi, under Certificate No. 55753, may provide the passenger transportation services requested by Summit Express in this temporary authority application.

Unfortunately, we have not had this service operated for the past two years, since Fresh Tracks ceased its operation. In light of this, we would greatly appreciate Summit Express being granted temporary authority to operate this service for us. We have been working with Summit Express for the past 14 years, utilizing their services for our guests' airport shuttles, and have always experienced exceptional services standards. We are confident that Summit Express would bring the same level of excellence, if not better, for all our Summit County skier guests.

9. A petition was also submitted with the application. The wording of the petition is:

The current Certificate Holder for the Vail Skier Shuttle has not operated for the 2021-2022, 2022-2023, or the current 2023-2024 Winter Seasons. The below businesses are in support of Summit Express, LLC operating a temporary Skier Shuttle Authority for the remaining 2024 Winter Season as there is a demand for the service from their guests.

The petition was signed by 15 representatives of ten businesses located in Summit County.

10. In consideration of the information submitted by the owner of the Summit Express, the authors of the support letters, and in the petition, the Commission finds that an immediate and urgent need for the requested transportation services has been shown to exist.

11. The Commission also finds that Summit Express has adequate equipment and financial resources to begin immediate service within the scope of the authority sought, and the application for temporary authority is in the public interest.

12. Summit Express is advised that the grant of a temporary authority creates no presumption that a permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. The application for temporary authority filed on February 12, 2024, by Summit Express, LLC (Summit Express) is granted.

2. Summit Express is granted temporary authority to conduct operations as a common carrier by motor vehicle for hire for a period of 180 days commencing from the Mailed Date of this Decision, with authority as set forth in Appendix A attached to this Decision.

3. Summit Express shall operate in accordance with all applicable Colorado laws and Commission rules.

4. Summit Express shall not commence operation until it has complied with the requirements of Colorado laws and Commission rules, including without limitation:

- (a) causing proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) paying to the Commission, the motor vehicle fee (\$50.00) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
- (c) having an effective tariff on file with the Commission; Summit Express shall file an advice letter and tariff on not less than one day's notice. The advice letter and tariff shall be filed as a new Advice Letter proceeding and shall comply with all applicable rules. In calculating the proposed effective date, the date received at the Commission is not included in the notice period and the entire notice period must expire prior to the effective date;
- (d) submitting a current Annual Vehicle Inspection Report for each vehicle to be operated under the authority [the inspection must be done by an inspector who meets the qualification requirements in 49 *Code of Federal Regulations* § 396.19; and, the inspection must show that the vehicle passed the inspection]; and,
- (e) paying the applicable issuance fee (\$5.00).

5. If Summit Express does not comply with the requirements of this Decision within 30 days of its effective date, then the temporary authority 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.

6. The Commission will notify Summit Express in writing when the Commission’s records demonstrate compliance with Ordering Paragraph No. 4.

7. 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 or serves this Decision.

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 28, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners