

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 12R-178TR

IN THE MATTER OF THE EMERGENCY RULES IMPLEMENTING SENATE BILL 11-180 AND HOUSE BILL 11-1198 CONCERNING AUTHORITY FOR TAXICABS TO PICK UP PASSENGERS OUTSIDE THEIR ASSIGNED GEOGRAPHIC AREAS, REORGANIZING THE STATUTES GOVERNING MOTOR CARRIERS, AND MAKING SUBSTANTIVE AND NONSUBSTANTIVE AMENDMENTS TO PROVISIONS GRANTING REGULATORY AUTHORITY TO THE PUBLIC UTILITIES COMMISSION.

DECISION ADOPTING EMERGENCY RULES

Mailed Date: March 2, 2012
Adopted Date: February 29, 2012

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for adoption of emergency rules, to continue emergency transportation rules originally adopted by Decision No. C11-0838 in Docket No. 11R-638TR.

2. SB 11-180 amended § 40-10-105(2)(d)(I), C.R.S., (subsequently recodified as § 40-10.1-203, C.R.S., by HB 11-1198) to allow taxicabs operating in Colorado to pick up passengers at any point in the state of Colorado when the taxicab has dropped off passengers in close proximity to that point, except if that drop off point is an airport. The Commission in these emergency rules defines the new statutory term “close proximity,” for the benefit of the taxicab companies and the traveling public

3. HB 11-1198 repeals Articles 10, 11, 13, 14 and 16 of Title 40, C.R.S. and creates new Article 10.1 in Title 40, C.R.S. (§ 40-10.1-101 *et seq.*), which is organized as follows:

Part 1 contains general provisions applicable to all motor carriers; Part 2 governs motor carriers of passengers, including taxicabs, that are required to obtain operating authority; Part 3 governs motor carriers of passengers that are not required to obtain operating authority; Part 4 governs towing carriers; and, Part 5 governs carriers of household goods.

4. In addition to reorganizing existing statutory material, HB 11-1198 makes certain substantive changes, such as the following that require emergency rule implementation:

a) Clarifies the services authorized under a children's activity bus permit (§ 40-10.1-301 (4), C.R.S.);

b) Transfers all safety jurisdiction over household goods movers from the Commission to the Colorado Department of Public Safety (repeal of § 40-14-105, C.R.S.);

c) Standardizes provisions relating to the conduct of fingerprint-based criminal history record checks, both on initial issuance and resubmission, as a condition of continued qualification to drive for a motor carrier (§ 40-10.1-110, C.R.S.); and,

d) Requires towing carriers to maintain workers' compensation insurance and post a \$50,000 bond to ensure payment of any civil penalties assessed by the Commission (§ 40-10.1-401(3) , C.R.S.).

5. By Decision No. C11-0838, we amended our then current rules because they conflicted with the amendments in the Bills. The emergency rules became effective on August 10, 2011 and will expire on March 7, 2012.

6. By Decision No. C11-1059 we issued a Notice of Proposed Rulemaking to codify the transportation rules on a permanent basis. The Administrative Law Judge (ALJ) assigned to

that matter has not yet issued a recommended decision, due to the complexity of the issues presented. Those permanent rules will not be effective prior to the expiration of the emergency rules. Therefore, we find it necessary to re-issue emergency rules to ensure consistency in our rules.

7. We now adopt on an emergency basis (i.e., without compliance with the rulemaking requirements for permanent rules set forth in § 24-4-103, C.R.S.) the emergency rules available in this docket through the Commission's E-Filings system. We take this action in accordance with the provisions of §§ 40-2-108(2) and 24-4-103(6), C.R.S.

8. We find that adoption of the emergency rules is imperative and necessary to avoid a gap in our rules. Compliance with the rulemaking requirements associated with permanent rules, pursuant to § 24-4-103, C.R.S., would be contrary to public interest.

9. The emergency rules shall be effective on March 7, 2012, and shall remain in effect until permanent rules become effective or for 210 days, whichever period is less.

10. The emergency rules in legislative (strikeout/underline) format, the emergency rules in final version format, a copy of HB 11-1198, and a copy of SB 11-180 are available through the Commission's E-Filings system at:

<https://www.dora.state.co.us/pls/efi/EFL.homepage>

Once at the *Electronic Filings* (E-Filings) system page, the rules can be accessed by selecting "Search" and entering this docket number (12R-178TR) in the "Proceeding Number" box and then selecting "Run".

II. ORDER

A. The Commission Orders That:

1. The rules in final version format available in this docket through the Commission's E-Filings system are hereby adopted as emergency rules consistent with the above discussion.

2. The emergency rules shall be effective on March 7, 2012.

3. This Order is effective upon its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING February 29, 2012.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

JAMES K. TARPEY

MATT BAKER

Commissioners