

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0343CP

IN THE MATTER OF THE PETITION OF PALI-TOURS, LTD 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: September 25, 2020
Adopted Date: September 23, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition filed on August 20, 2020 by Pali-Tours, LTD (Pali-Tours). In this petition, Pali-Tours requests a waiver of Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age of Motor Vehicles).

2. The vehicle for which a waiver is requested is a 1976 Steyr-Puch Pinzgauer (Pinzgauer) 712M¹ with 33,662 miles. The waiver is requested from August 1, 2020 through July 31, 2022.

3. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 24, 2020, for a period of ten days. The ten-day notice period expired on September 3, 2020. No petition to intervene or otherwise

¹ The Pinzgauer 712M was manufactured by Steyr-Puch in Graz, Austria from 1971 through 2000 and is described as a high-mobility all terrain military transport vehicle.

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.

4. In accordance with 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.

5. The owner of Pali-Tours, Dave Smith, provided the following statement to support this petition for waiver:

This vehicle offers a safe, unique, open air, safari-style experience. It's unique 6x6 capabilities provides performance & safety features above & beyond the typical off-road vehicle, as it was designed specifically for the transport of people across rugged terrain. By granting this waiver, Pali-Tours, Ltd. will be able to continue to provide agri-tourism related excursions to passengers desiring this type of experience, to scenic points within its Authority.

6. Pali-Tours submitted an application on March 8, 2019 in Proceeding No. 19A-0124CP to operate as a common carrier to provide scheduled, call-demand charter, shuttle, and sightseeing service between all points within a 50-mile radius of Third Street and Main Street in Palisade, Colorado. Pali-Tours was granted authority, by Decision No. R19-0685² on August 13, 2019, to provide shuttle and sightseeing service within a 30-mile radius of the intersection of Third Street and Main Street in Palisade, Colorado.

² The common carrier authority granted by Decision No. R19-0685 includes many geographic restrictions as to where the shuttle and sightseeing services may be provided.

7. Rule 6117(c), 4 CCR 723-6 (Age and Condition of Passenger Carrying Motor Vehicles) states:

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. The Pinzgauer 712M named in this petition is 29 model years older than allowed by Rule 6117(c). Therefore, unless Pali-Tours is granted a waiver of Rule 6117(c) for the 1976 Pinzgauer 712M, it may not continue to provide shuttle and sightseeing service with this vehicle.

9. A review completed by Commission Staff (Staff) of Pinzgauer vehicles did verify they have been used for many years by numerous passenger transportation carriers in the United States to provide sightseeing service. Staff was also able to determine that repair parts for Pinzgauer vehicles are available from several part suppliers in the United States. Therefore, based on the information provided by Pali-Tours in this petition and Staff’s review of Pinzgauer vehicles, the Commission finds that good cause has been shown to grant a waiver of Rule 6117(c). However, in consideration of the age of Pinzgauer named in this petition, the waiver will be granted for a one-year period from August 1, 2020 through July 31, 2021.

10. Pali-Tours is advised that Rule 6117(d) states “A Motor Carrier operating any Motor Vehicle shall cause the vehicle to have the periodic safety inspection, as set forth in rules 6103 and 6104, to be completed semi-annually for vehicles that are over eight model years old and/or have more than 150,000 miles. After a Motor Vehicle reaches 225,000 miles, regardless of the age of the vehicle, the inspections set forth in rules 6103 and 6104 must occur every three months.”

II. ORDER

A. The Commission Orders That:

1. The petition of Pali-Tours, LTD (Pali-Tours) filed on August 20, 2020, for a waiver of Rule 6213(a) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age of Motor Vehicles) for a 1976 Steyr-Puch Pinzgauer 712M (1976 Pinzgauer) is granted in part from August 1, 2020 through July 31, 2021.

2. Pali-Tours shall keep a copy of this Decision in the 1976 Pinzgauer named in the petition and shall ensure that this Decision is provided immediately upon request by any Commission enforcement official.

3. Pali-Tours shall have the 1976 Pinzgauer inspected pursuant to the requirements in Rule 6117(d) 4 CCR 723-6, and the vehicle must pass each inspection in order for this waiver to be valid. Pali-Tours shall maintain copies of the completed inspection forms in the 1976 Pinzgauer.

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
September 23, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners