

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22R-0462TR

IN THE MATTER OF THE PROPOSED RULES REGULATING THE MAXIMUM RATES
BY TAXICABS FOR SERVICE WITHIN ESTABLISHED ZONES, 4 CODE OF COLORADO
REGULATIONS 723-6-6255 (c) AND (d).

COMMISSION NOTICE OF PROPOSED RULEMAKING

Mailed Date: October 28, 2022

Adopted Date: October 26, 2022

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission (Commission) hereby issues this Notice of Proposed Rulemaking (NOPR) regarding the maximum rates by taxicabs for service within established zones mandated by Rule 6255 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6. The Commission has statutory authority to adopt these rules under §§ 40-2-108 and 40-10.1-103, 106, and 702, C.R.S.

2. The Commission proposes to raise the maximum rates established in Rule 6255 for transportation between the defined zones and Denver International Airport (DIA), and transportation within Downtown Denver, by approximately 20 percent. This rule amendment reflects the Commission's intent to respond to a petition filed by the taxi industry to eliminate Rule 6255 on an emergency basis, due to recent inflationary pressures on both drivers and companies.

The proposed amendments to Rule 6255 are available for review as Attachment A (redline) and Attachment B (clean) to this Decision through the Commission's Electronic Filings website (Proceeding No. 22R-0462TR) at: <https://www.dora.state.co.us/pls/efi/EFI.homepage>.

3. The Commission welcomes comments from interested rulemaking participants, regarding the amendments proposed in this NOPR. To the extent a participant disagrees with the proposed amendments, they are encouraged to submit comments that include any suggested revisions to the rule language in legislative (*i.e.*, *strikeout*) format.

B. Background

4. In Proceeding No. 22M-0355TR, Union Taxi Cooperative (Union Taxi) filed a "Petition for Emergency Rulemaking" to eliminate Rule 6255 and included a letter of support from other Large-Market Taxicab Service (LMT) carriers. In the petition, Union Taxi requested that the Commission open an emergency rulemaking to strike the flat rate zones in Rule 6255, due to the severe economic impact of the recent inflation to drivers and companies. Union Taxi argued that "It is far more equitable to drivers and passengers to pay a metered rate based on distance travelled." By Decision No. C22-0539, mailed on September 13, 2022, in Proceeding No. 22M-0355TR, the Commission denied the petition for emergency rulemaking, but directed Staff of the Commission to address the issues raised in a proposed NOPR.

5. Rule 6255 sets the Maximum Rates for Transportation to and from DIA and within the Denver Downtown Area. Rule 6255(a) establishes four zones, namely Zone A (Downtown Denver), Zone B (Denver Technological Center), Zone C (Boulder), and Zone D

(Tower Road).¹ Rule 6255(c) states that the maximum rate for taxicab service between DIA and the defined zones shall be no more than:

- (I) Zone A (Downtown Denver): \$51.00.
- (II) Zone B (Denver Technological Center): \$57.00.
- (III) Zone C (Boulder): \$84.00.
- (IV) Zone D (Tower Road): \$24.00.²

Rule 6255(d) also mandates that the maximum rate for trips within Zone A (Downtown Denver) shall be no more than \$8.00, plus an additional \$3.00 drop off fee for each additional stop.

6. A rule establishing flat rates for taxi service to/from DIA was first adopted in 1999.³ The flat rates were initially set at \$43 for Zone A, \$45 for Zone B, and \$70 for Zone C. In 2009, the flat rates were then increased by approximately 20 percent, to \$51 for Zone A, \$57 for Zone B, and \$84 for Zone C.⁴ These are the rates that exist in the current Rule 6255; however, instead of a “flat” rate, it is a “maximum” rate to comply with the statutory mandate found under the relatively new law for LMT carriers.⁵ Zone D and the flat rate for trips within Zone A were added in the rulemaking initiated by a NOPR filed on November 30, 2017 in Proceeding No. 17R-0796TR.

C. Description of Proposed Rules

7. Given the long history of established flat rate zones and customer reliance on such flat rates, we propose an increase of approximately 20 percent to the maximum rate (as further described below), instead of eliminating the flat rate zones altogether. We propose that such a

¹ A map of each Taxicab Rate Zone may be found on the Commission’s website here: <https://sites.google.com/state.co.us/puc-zone-maps>.

² Per Rule 6255(c)(V) and (VI), the taxicab carrier may also charge access fees as established by DIA and a drop fee of no more than \$5.00 for each additional drop within the zone.

³ See Decision No. R99-329, mailed on April 6, 1999, in Proceeding No. 98R-610CP.

⁴ See Decision No. R09-0149, mailed on February 19, 2009, in Proceeding No. 08R-478TR.

⁵ Section 40-10.1-702(5), C.R.S., states: “For each county served by a motor carrier providing large-market taxicab service pursuant to this part 7, the commission shall by rule determine the maximum rate that a motor carrier providing large-market taxicab service may charge its passengers.”

maximum rate increase will strike an appropriate balance between offering economic relief to the taxi industry while also protecting the consumer. We specifically invite input from stakeholders on options available to include inflation adjustments within the rule.

8. Proposed Rule 6255(c) is amended to increase the maximum rate for Taxicab Service between the defined zones and DIA by 20 percent, rounded to the nearest dollar. The drop fee of no more than \$5.00 for each additional drop within the zones, as allowed by Rule 6255(c)(VI), remains unchanged.

9. Proposed Rule 6255(d) is amended to increase the maximum rate for transportation within Zone A (Downtown Denver) by 20 percent, rounded to the nearest dollar. The additional \$3.00 drop off fee for each additional stop remains unchanged.

D. Conclusions

10. Through this NOPR, the Commission solicits comments from interested persons and stakeholders on whether to adopt, revise, or not adopt, some or all of the proposed amendments to Rule 6255, as set forth in the attachments to this Decision and discussed above. The Commission encourages members of the transportation industry and other interested persons to participate in the rulemaking proceeding and to contribute to the rulemaking record, on which the Commission will base its decision on whether to adopt rule amendments.

11. The Commission refers this matter to an Administrative Law Judge (ALJ) for the issuance of a recommended decision. The ALJ will hold a hearing on the proposed rules at the below-stated time and place. In addition to submitting written comments, participants will have an opportunity to present comments orally at the hearing, unless the ALJ deems oral presentations unnecessary. The Commission will consider all comments submitted in this Proceeding, whether oral or written.

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking, including attachments, shall be filed with the Colorado Secretary of State for publication in the November 10, 2022 edition of *The Colorado Register*.

2. The Commission invites comments from interested persons on the proposed amendments to the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, as described in this Decision and its attachments. The Commission prefers and encourages interested persons to file comments through the Commission's Electronic Filings website (Proceeding No. 22R-0462TR) at https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=22R-0462TR

3. This matter is referred to an Administrative Law Judge (ALJ) for the issuance of a recommended decision.

4. A rulemaking hearing on the proposed rules and related matters shall be held before an ALJ as follows:

DATE: - December 12, 2022

TIME: 11:30 am until not later than 5:00 pm

PLACE: By video conference using Zoom at a link in the calendar of events on Commission's website, available at: <https://puc.colorado.gov/>

5. The ALJ will set procedures for a remote hearing, if necessary, by a separate decision issued in this Proceeding.

6. The ALJ may set additional hearings, if necessary.

7. Written comments may be filed at any time in this Proceeding. Initial written comments are requested to be filed no later than November 14, 2022, and any comments responsive to the initial comments are requested to be filed no later than November 30, 2022, so that the initial comments and responsive comments may be considered at the hearing.

8. At the time set for hearing, interested persons may submit written comments and may present these orally, unless the ALJ deems oral comments unnecessary. The Commission will consider all comments, whether written or oral.

9. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 26, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners