

Decision No. C22-0790

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22V-0489EC

IN THE MATTER OF THE PETITION OF PALISADE TROLLEY LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

**COMMISSION DECISION GRANTING PETITION
FOR RULE WAIVER, IN PART**

Mailed Date: December 9, 2022
Adopted Date: November 30, 2022

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a Petition for Waiver/Variance of Regulated Intrastate Carrier Rules filed on November 2, 2022 by Palisade Trolley LLC (Petitioner).

2. Petitioner requests a waiver of Rule 6305 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6. This rule provides, in relevant part, the criteria for luxury limousine vehicles, including categories of vehicles that can be classified as a luxury limousine. Rule 6305(b), 4 CCR 723-6, provides, "A Person who believes that the Motor Vehicle that they have purchased or plan to purchase provides a luxurious and specialized transportation service may file a petition for waiver of paragraphs (a) or (c) of this rule, as set forth in rule 6003, explaining why the use of their vehicle of choice will effectively implement the Commission's policies of a luxury transportation

experience in the relevant market to be served.” This rule allows for the Commission to exercise discretion regarding a particular vehicle’s fitness to be operated as a luxury limousine.

3. Petitioner requests a waiver for a 2002 Freightliner Bus (Trolley) vehicle, VIN No. 4UZAACBW32CJ54347. Petitioner requests a waiver for a period beginning on October 31, 2022 and continuing in perpetuity.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on November 7, 2022. No petition to intervene or otherwise 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.

5. In accordance with Rule 1003 of the Commission’s Rules of Practice and Procedure, 4 CCR 723-1, the Commission may grant a request to waive Commission rules for good cause shown. In rendering its decision, 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.

6. In support of its request for rule waiver, Petitioner states that the underlying vehicle provides a luxurious and specialized transportation service. They indicate that they offer the only trolley ride in their area, which is attractive to tourists, local businesses, and the community. Petitioner intends to use the underlying vehicle for various activities, such as wine tours, weddings, and other special events. They are also planning to engage with county and city entities, as well as nonprofits, to assist with the moving of traffic during events. Petitioner claims the underlying vehicle is in excellent condition and has been restored mechanically and

cosmetically. Petitioner also claims that replacing the vehicle would create an economic hardship.

7. For the underlying vehicle, Petitioner submitted photos, vehicle inspection and mileage, and vehicle ownership information. Petitioner also submitted financial information and a Secretary of State filing.

8. It should be noted that the Commission recently granted a waiver for a similar vehicle.¹ In addition, the requested period for the waiver, being in perpetuity, is inappropriate. Waivers of this type are typically granted for two years or less, depending on the circumstances.

9. Given all available information, the Commission finds that good cause has been shown to grant a waiver of Rule 6305(a), 4 CCR 723-6, for the 2002 Freightliner Bus (Trolley) vehicle named in this petition. The requested waiver will be granted, in part, through November 30, 2024.

II. ORDER

A. The Commission Orders That:

1. The petition of Palisade Trolley LLC for a waiver of Rule 6305(a) of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, filed on November 2, 2022, is granted, in part, for the 2002 Freightliner Bus (Trolley) vehicle, VIN No. 4UZAACBW32CJ54347, from the effective date of this Decision through November 30, 2024.

¹ See Decision No. C22-0453, Proceeding No. 22V-0316EC.

- 2. This waiver is conditional on the aforementioned vehicle passing a vehicle safety inspection, pursuant to Rule 6117(b), 4 CCR 723-6.
- 3. Palisade Trolley LLC shall keep a copy of this Decision and proof of inspection in the aforementioned vehicle, pursuant to Rule 6107(b), 4 CCR 723-6.
- 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
November 30, 2022.**

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners