

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0196CP

IN THE MATTER OF JERRY'S VALLEY TAXI FOR AN ORDER OF THE COMMISSION
AUTHORIZING A WAIVER OF RULE 6254(B)(AGE OF MOTOR VEHICLES) OF THE
RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION GRANTING WAIVER IN PART

Mailed Date: April 21, 2014

Adopted Date: April 16, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition filed on March 3, 2014 by Jerry's Valley Taxi (Petitioner). An amendment to the petition was filed on March 13, 2014.

2. We construe this petition as a request 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).¹

3. The vehicle for which a waiver is requested is a 2001 Chrysler Voyager, VIN No. 1C4GJ25301B155597. The waiver is requested from July 1, 2014 through July 1, 2018.

¹ Petitioner requested a waiver of Rule 6254(b), 4 CCR 723-6, which applies to taxicab carriers operating within or between counties with a population density of 40 or more people per square mile. Under Certificate of Public Convenience and Necessity PUC No. L55723, Petitioner does not operate within or between counties with a population density of 40 or more people per square mile.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 10, 2014.

5. 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.

6. 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.

7. Rule 6213(a), 4 CCR 723-6, states that “[i]ntrastate regulated carriers operating vehicles with a seating capacity of 15 or less shall not use vehicles older than 12 model years as of July 1 of each year.”

8. Petitioner operates as a taxicab carrier pursuant to Certificate of Public Convenience and Necessity PUC No. L55723. Petitioner states the following as the reason for the waiver: “Van is in great shape[-] both body & drive train. I worked in the auto industry for many years. Changing vans out would be hard for me to replace all at the same time.” Petitioner submitted pictures of the interior and exterior of the vehicle. The petition states that the vehicle has a total mileage of 157,525 miles.

9. The Commission finds that good cause has been shown to grant a waiver of Rule 6213(a) for the 2001 Chrysler Voyager named in this petition. Given the age and condition

of the vehicle, the Commission concludes that a waiver for one year, as opposed to the requested four years, is a reasonable amount of time for a waiver.

10. Petitioner is advised that the grant of the waiver of Rule 6213(a) for the vehicle named in this petition does not ensure that this vehicle will pass a future safety inspection by the Staff of the Commission.

II. ORDER

A. The Commission Orders That:

1. The petition of Jerry's Valley Taxi for a waiver of Rule 6213(a) for the 2001 Chrysler Voyager, VIN No. 1C4GJ25301B155597, is granted, in part, from July 1, 2014 through June 30, 2015.

2. Jerry's Valley Taxi shall keep a copy of this Decision in the 2001 Chrysler Voyager (VIN No. 1C4GJ25301B155597) named in this petition. Jerry's Valley Taxi shall provide this Decision immediately on request by any Commission enforcement official.

3. Jerry's Valley Taxi shall have the 2001 Chrysler Voyager named in this petition inspected pursuant to 49 *Code of Federal Regulations* (CFR) Part 396.17, as incorporated by Commission Safety Rules, by an inspector qualified in accordance with 49 CFR 396.19; and, the vehicle shall pass such an inspection. Jerry's Valley Taxi shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If Jerry's Valley Taxi fails to comply with this requirement within 30 days of the effective date of this Decision or if the vehicle fails the inspection, then the waiver of Rule 6213(a) 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.

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
April 16, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAMELA J. PATTON

GLENN A. VAAD

Commissioners

CHAIRMAN JOSHUA B. EPEL
ABSENT.