

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0245CP

IN THE MATTER OF GILAD ZAMIR FOR AN ORDER OF THE COMMISSION
AUTHORIZING A WAIVER OF RULE 6255(B)(AGE OF MOTOR VEHICLES) OF THE
RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION DENYING WAIVER

Mailed Date: May 7, 2014
Adopted Date: April 30, 2014

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 Common/Contract Carrier Rules filed on March 20, 2014 by Gilad Zamir (Petitioner).

2. We construe this petition as a request for a waiver of Rule 6255(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6.

3. The vehicle for which a waiver is requested is a 2006 Dodge Grand Caravan, VIN No. 1D4GP24R46B617528. The waiver is requested from July 1, 2014 through July 1, 2015.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 24, 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 6255(b), 4 CCR 723-6, states that the maximum age of motor vehicles for taxicab carriers operating within or between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson shall be eight model years. This rule further states that “[a] taxicab carrier operating vehicles that are over eight model years old as of August 1, 2012, shall have until July 31, 2014, to comply with this paragraph for those specific vehicles.” Pursuant to § 40-10.1-106(1), C.R.S., the Commission enacted Rule 6255(b) to ensure public safety, consumer protection, and service quality.

8. Petitioner states that he is a taxicab driver for Boulder Yellow Cab. Petitioner states, in part, the following as the reason for the waiver: “When I bought my car in May of 2012, I did not know of the new regulations... I’m driving in Boulder, it is the only 6 [seated] car in the fleet! It will be very [helpful] to me and my community.” Petitioner submitted pictures of the vehicle. The petition lists the total mileage on the vehicle as 261,471 miles.

9. Since it is in the public interest to ensure that taxicab carriers utilize newer, safer, and more reliable vehicles, we conclude that Petitioner has not shown good cause to grant a waiver of Rule 6255(b) for the 2006 Dodge Grand Caravan named in this petition.

II. ORDER

A. The Commission Orders That:

1. The Petition for Waiver/Variance of Common/Contract Carrier Rules filed on March 20, 2014 by Gilad Zamir is denied.

2. 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.

3. This Decision is effective on its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING April 30, 2014.**

(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

PAMELA J. PATTON

GLENN A. VAAD

Commissioners