

(Decision No. C95-82)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF REGIONAL)	
TRANSPORTATION DISTRICT, DOING)	
BUSINESS AS RTD, FOR TEMPORARY)	DOCKET NO. 95A-009CP-
APPROVAL TO WAIVE RULE 12)	
(INSURANCE) GOVERNING COMMON)	WAIVER-TA
CARRIERS BY MOTOR VEHICLE FOR)	
HIRE.)	

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed date: January 26, 1995
Adopted date: January 25, 1995

I. BY THE COMMISSION:

A. Statement, Findings, and Conclusion

1. On December 16, 1994, Regional Transportation District, doing business as RTD, filed an application (Docket No. 94A-660CP-TA) for temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers, on schedule, between the Market Street station located at the intersection of 16th and Market Streets in Denver, Colorado, on the one hand, and the Loveland Basin ski area and Georgetown, Colorado, on the other hand. At that time, the Applicant also requested a

waiver of Rule 12.3 (insurance) of the Commission's Rules Governing Common Carriers by Motor Vehicle for Hire. However, the waiver request was not noticed with Docket No. 94A-660CP-TA in the December 27, 1994 "Notice of Applications Filed." The application for temporary authority was granted on January 4, 1995, by Commission Decision No. C95-13. The requested waiver of Rule 12.3 was not granted by said Decision.

2. On January 6, 1995, the temporary waiver application was assigned Docket No. 95A-009CP-Waiver-TA. The Commission gave notice of the application on January 9, 1995. No interventions opposing a grant of the application were filed.

3. Pursuant to § 40-6-120, C.R.S., the application for temporary approval is under consideration for a Commission order.

4. Pursuant to § 40-6-120(1), C.R.S., the Commission is authorized to grant temporary approval when there appears to be an immediate and urgent need to any point or within a territory having no carrier service capable of meeting such need.

5. The Commission found, in Decision No. C95-13, that there was an immediate and urgent need for the services proposed in Docket No. 94A-660-TA. RTD is a public entity, and pursuant to § 24-10-114, C.R.S., any judgement

against a public entity arising from a vehicle operation may not exceed \$600,000 combined single limit. Accordingly, the Applicant should be granted a waiver of Rule 12.3 of the Commission's Rules Governing Common Carriers by Motor Vehicle for Hire, contingent upon the Applicant filing with this Commission self-insurance in the amount of \$600,000 combined single limit.

II. ORDER:

A. The Commission Orders That:

1. Regional Transportation District, doing business as RTD, is granted a waiver of the insurance requirements of Rule 12.3 of the Commission's Rules Governing Common Carriers by Motor Vehicle for Hire for a 180 days, commencing from February 17, 1995.
2. Regional Transportation District, doing business as RTD, shall file proof of self-insurance in the amount of \$600,000 combined single limit with the Commission.
3. Regional Transportation District, doing business as RTD, shall not commence operation until all requirements have been met and notice in writing has been received from the Commission that the Applicant is in compliance and may begin service. If the Applicant does not comply with the requirements of this ordering paragraph within 30 days of the effective date of this

Order, then ordering paragraph 1 above, which grants temporary approval to the Applicant, shall be void, and the temporary approval granted shall then be void.

On 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 or serves this Decision.

B. This Order is effective on February 17, 1995.

ADOPTED IN OPEN MEETING January 25, 1995.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

ORDER-ACC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 95A-009CP-Waiver-TA
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I, Bruce N. Smith, Director of The Public Utilities Commission of the State of Colorado, certify that I served a true and correct copy of the above Commission Decision -- entered in the above numbered matter of record -- upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination on the date noted on this certificate at Denver, Colorado.

APPLICANT:

Regional Transportation District
dba RTD
1600 Blake Street
Denver, CO 80202

ATTORNEY FOR APPLICANT:

Marla L. Lien, Esq.
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WITNESS MY HAND AND THE SEAL OF
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

BRUCE N. SMITH
DIRECTOR