

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0692CP

IN THE MATTER OF THE SECOND PETITION OF UNION TAXI COOPERATIVE FOR
WAIVER/VARIANCE OF COMMON/CONTRACT CARRIER RULES AND MOTION TO
SHORTEN NOTICE PERIOD.

DECISION GRANTING WAIVER

Mailed Date: August 6, 2014
Adopted Date: July 30, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a Petition for a Waiver/Variance from Commission Rules 723-6-6255(a)(III)-(VII) filed on June 25, 2014 by Union Taxi Cooperative (Union).

2. Union requests a waiver of Rules 6255(a)(III)-(VII) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6 (Communications and Dispatch). The waiver is requested from July 1, 2014 through December 31, 2014. A prior petition for waiver of the same rules from January 1, 2014 through June 30, 2014 was granted in Proceeding No. 14V-0056CP.

3. Rules 6255 (a)(III)-(VII) apply to taxi cab companies operating within or between the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and El Paso, and read as follows:

(III) Beginning January 1, 2014, taxicab carriers shall employ a GPS-based, digital dispatch system that tracks and records driver hours or service, and records and reports trip information including origination point and customer wait times.

- (IV) Beginning January 1, 2014, taxicab carriers shall employ a GPS-based, digital dispatch system that records and reports driver location and on-duty time. Said system must log a driver on-duty when the driver's assigned vehicle is within two miles of Denver International Airport or Colorado Springs Municipal Airport, and 500 feet of any known taxi stand.
- (V) Beginning January 1, 2014, taxicab carriers shall employ a GPS-based digital dispatch system that locks out any driver who has exceeded on-duty hours of service maximums.
- (VI) Beginning January 1, 2014, taxicab carriers shall lockout, for a minimum of eight hours, a driver who has exceeded on-duty hours of service maximums. Drivers who are locked-out, shall not be allowed access to the carriers dispatch system, credit card processing system, and metering system.
- (VII) Beginning January 1, 2014, taxicab carriers shall log a driver as being on-duty when the vehicle assigned to said driver, enters an area no less two miles of Denver International Airport or Colorado Springs Municipal Airport, or 500 feet of known taxi stands.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on July 14, 2014, for a period of ten days.

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 support of its Petition, Union states that Union has been working with TRAPEZE group to bring their system into compliance with the rules in question, but problems have been encountered particularly with the portions of the rule that deal with proximity to a taxi stand and the airport. The system is able to lock a driver out of the dispatch system and credit card system, but not the metering system itself at this time. Union also states that if the system can be made to comply with these rules, it will require a period of time to test the system and make sure the changes are fully integrated.

7. Rule 1003(a) provides that "[t]he Commission has promulgated these rules to ensure orderly and fair treatment of all persons. The Commission may, for good cause shown,

grant waivers or variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions. In making its 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.”

8. We find that good cause exists to grant Union’s petition for a waiver.

II. ORDER

A. The Commission Orders That:

1. The Petition for Waiver/Variance from Commission Rules 723-6-6255(a)(III)-(VII) filed by Union Taxi Cooperative is granted, *nunc pro tunc*, from July 1, 2014 through December 31, 2014.

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 upon its Mailed Date.

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

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

Commissioners

COMMISSIONER GLENN A. VAAD
ABSENT.