

Decision No. C14-0983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0707CP

IN THE MATTER OF THE PETITION OF THE COLORADO SIGHTSEER, INC., FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION GRANTING WAIVER IN PART

Mailed Date: August 13, 2014
Adopted Date: August 6, 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 June 26, 2014 by The Colorado Sightseer, Inc. (Petitioner).

2. Petitioner is requesting 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).

3. The vehicle for which a waiver is requested is a 2001 Chevrolet Astro Van, VIN No. 1GNEL19W71B144832. The waiver is requested from August 1, 2014 through December 31, 2016.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on June 30, 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 pursuant to Certificate of Public Convenience and Necessity PUC No. 54166. Petitioner states that it requests a waiver “so we may have time to recoup our investments in the safe operation of this vehicle, including but not limited to new engine, brakes, and ball joints.” Petitioner explains that it “needs time to save revenue to upgrade and renew our fleet in the future.” Petitioner also states that if a waiver is not granted, then it will be forced to cease operating daily tours. In addition, Petitioner submitted letters of support from VISIT DENVER (The Convention & Visitors Bureau), Denver Metro Chamber of Commerce, Greater Golden Chamber of Commerce, and Buffalo Bill Museum & Grave. Petitioner submitted pictures of the interior and exterior of the vehicle. The petition states that the vehicle has a total mileage of 199,727 miles and 47,669 total miles on the current engine.

9. The Commission finds that good cause has been shown to grant a waiver of Rule 6213(a) for the 2001 Chevrolet Astro Van named in this petition. Given the age and condition of the vehicle, the Commission concludes that a waiver until December 31, 2015, as opposed to the requested 29 months, 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 The Colorado Sightseer, Inc. for a waiver of Rule 6213(a) for the 2001 Chevrolet Astro Van, VIN No. 1GNEL19W71B144832, is granted, in part, from the Mailed Date of this Decision through December 31, 2015.

2. The Colorado Sightseer, Inc. shall keep a copy of this Decision in the 2001 Chevrolet Astro Van, VIN No. 1GNEL19W71B144832, named in this petition. The Colorado Sightseer, Inc. shall provide this Decision immediately on request by any Commission enforcement official.

3. The Colorado Sightseer, Inc. shall have the 2001 Chevrolet Astro Van 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. The Colorado Sightseer, Inc. shall file with the Commission (in this proceeding) a copy of the completed inspection form within 30 days of the effective date of this Decision. If The Colorado Sightseer, Inc. 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
August 6, 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.