

Decision No. C14-1225

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0884CP

IN THE MATTER OF THE PETITION OF GOLDEN WEST AIRPORT SHUTTLE, FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION GRANTING WAIVER IN PART

Mailed Date: October 8, 2014

Adopted Date: October 1, 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 August 22, 2014 by Golden West Airport Shuttle (Petitioner).

2. Petitioner is requesting a waiver of Rule 6213 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 2001 Ford E-350, VIN No. 1FBSS31L91HA92942. The waiver is requested from September 1, 2014 through September 1, 2016.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 25, 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. Pursuant to 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 4 CCR 723-6, states that intrastate regulated carriers (common and contract carriers) operating vehicles with a seating capacity of 15 or less shall not use vehicles older than 12 model years old.

8. Petitioner operates as a common carrier from Denver to areas in the mountains, including all points in Eagle and Summit Counties, pursuant to Certificate of Public Convenience and Necessity PUC No. 55789. Petitioner's Owner, Rachid Zouhair, submitted the petition and states that the vehicle "is well maintained" and notes that the vehicle will only be used for groups of 8 to 15 passengers.

9. Petitioner submitted pictures of the vehicle. The petition lists the total mileage on the vehicle as 255,064 miles. The vehicle does appear to be in good condition.

10. The Commission finds that good cause has been shown to grant a waiver of Rule 6255(b) for the 2001 E-350 named in this petition.

11. Petitioner is advised that the grant of the waiver of Rule 6213 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 Golden West Airport Shuttle for a waiver of Rule 6213 for the 2001 Ford E-350, VIN No. 1FBSS31L91HA92942, is granted, in part, from the Mailed Date of this Decision through September 1, 2015.

2. Golden West Airport Shuttle shall keep a copy of this Decision in the 2001 Ford E-350, VIN No. 1FBSS31L91HA92942 named in this petition. Golden West Airport Shuttle shall provide this Decision immediately on request by any Commission enforcement official.

3. Golden West Airport Shuttle shall have the 2001 E-350 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. Golden West Airport Shuttle 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 Golden West Airport Shuttle 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 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
October 1, 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

GLENN A. VAAD

Commissioners