

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19M-0346TR

IN THE MATTER OF THE PETITION FILED BY THE TAXI DRIVERS COALITION TO OPEN A RULEMAKING REGARDING THE COMMISSION’S RULES REGULATING TAXI COMPANIES, 4 CCR 723-6.

COMMISSION DECISION GRANTING IN PART, AND DENYING IN PART, PETITION FOR RULEMAKING

Mailed Date: September 24, 2019
Adopted Date: September 18, 2019

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I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Petition filed by the Taxi Drivers Coalition on June 18, 2019. In the Petition, the Taxi Drivers Coalition requests that the Commission revise two rules in the Commission’s Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6. By this Decision, the Commission

grants the Petition in part, and denies the Petition in part. The Commission closes this miscellaneous proceeding and directs Staff of the Public Utilities Commission (Staff) to prepare a proposed Notice of Proposed Rulemaking (NOPR) and redline of proposed rule changes, consistent with this Decision, for consideration at a future Commissioners' Weekly Meeting.

B. Petition

2. The Petition first requests that the Commission revise the hours of service requirements in Rule 4 CCR 723-6-6110. Current Rule 6110(a) requires that motor carriers providing taxicab service abide by the 12 hours on, 12 hours off rule (12/12 rule). In the Petition, the Taxi Drivers Coalition contends this 12/12 rule causes negative economic impacts to drivers because of the current taxi business, the location of the business, and the working and waiting hours of drivers. They explain that 85 to 95 percent of driver income derives from Denver International Airport (DIA) trips, but these trips require wait times of at least four hours. In the Petition, the Taxi Drivers Coalition explains this long wait time limits the total number of trips that drivers can complete during working hours. They state a maximum of three trips was feasible under the previous rule, which allowed for 16 hours on duty, but only two trips are feasible under the new 12/12 rule. The Taxi Drivers Coalition objects that motor carriers providing taxicab service must abide by the 12/12 rule in Rule 6110(a), while other motor carriers are given the election in Rule 6110(b) to account for hours of service using the 12/12 rule or the 10 hours, 15 hours, and 70 hours rule (10/15/70 rule), as outlined in Rule 6110(b). The Taxi Drivers Coalition suggests this is "discriminatory" because the motor carriers' services are of the same business nature.

3. The Petition also requests revision of Rule 4 CCR 723-6-6255, which establishes zone rates for transportation to and from DIA and within the downtown Denver, Denver Tech

Center, Boulder, and Tower Road areas for motor carriers providing taxicab service. In the Petition, the Taxi Drivers Coalition objects that this rule is “enforced and targeted” only for taxicab service providers. They suggest this rule should either be lifted or made applicable to “all other service providers.”

C. Comments

4. By Decision No. C19-0608-I, issued July 19, 2019, we accepted the Petition for purposes of noticing it and establishing a comment period. We invited written comments through August 2, 2019, from interested persons on whether the Commission should open a rulemaking to address the issues raised in the Petition, in whole or in part, or whether the Commission should take such other action as may be appropriate regarding the Petition and the issues raised therein.

5. The following comments were received:

6. Mr. Nasser Samman filed comments on behalf of the Management team of Metro Transportation Planning and Solutions Group (MKBS LLC), doing business as Metro Taxi (Metro Taxi) on August 2, 2019. Mr. Samman states that Metro Taxi fully supports the Petition. He states that Metro Taxi believes the relief requested in the Petition would provide better customer service to community and business partners, such as DIA.

7. Mr. Mickias Alamirew filed comments on behalf of Green Taxi Corporation, doing business as All Cities Taxi (All Cities Taxi) on August 4, 2019. Mr. Alamirew states that All Cities Taxi would like the Commission to consider reinstating the prior hours of service rule, which allowed for 16 hours of on duty time per day and a maximum of 80 hours in 8 days. He indicates that All Cities Taxi does not like the new 12/12 rule.

8. Finally, on August 2, 2019, Ms. Megan Kaliczak, General Manager of zTrip, Fort Collins, aggregated and provided comments from 14 zTrip drivers. These comments raise the following concerns:

- (a) The 12/12 rule is restrictive;
- (b) The 12/12 rule requires drivers to work seven days a week to maintain the same income they could under the prior rule, contributing to driver fatigue;
- (c) Customers that rely on morning and evening trips from the same driver must find other rides, potentially stranding customers; especially ambulatory passengers that rely on regularly scheduled taxi rides and Access A Ride passengers;
- (d) The 12/12 rule creates more stranded passengers and customer complaints;
- (e) Prior rules allowed more flexibility to take care of personal matters;
- (f) An eight-hour break, like the federal rules, is sufficient for recuperative rest; and
- (g) Sundays are worthless for carriers providing service in outlying areas.

D. Findings and Conclusions

9. We find good cause to grant the Petition with respect to the request to consider revising the hours of service requirements in Rule 4 CCR 723-6-6110. We find the Petition, and the industry comments received in response to the Petition, demonstrate good cause to further consider modifying this rule in a rulemaking proceeding. To that end, we direct Staff to prepare a proposed NOPR and redline of proposed rule changes for our consideration at a future Commissioners' Weekly Meeting.

10. We do not find good cause to grant the Petition with respect to the request to consider revising Rule 4 CCR 723-6-6255, which establishes zone rates for transportation to and from DIA and within the downtown Denver, Denver Tech Center, Boulder, and Tower Road areas for motor carriers providing taxicab service. We therefore deny that part of the Petition.

First, no specific comments were received from interested parties during the comment period on this request. Second, the Petition states this rule is “enforced and targeted” only for taxicab service providers and requests the rule either be lifted or made applicable to “all other service providers.” The Commission cannot make this rule applicable to carriers whose rates the Commission does not regulate (*e.g.*, limited regulation carriers such as luxury limousine carriers, or transportation network companies such as Uber and Lyft).

II. ORDER

A. The Commission Orders That:

1. The Petition for rulemaking filed on June 18, 2019, by the Taxi Drivers Coalition, is granted in part, and denied in part, consistent with the discussion above.
2. Staff of the Public Utilities Commission is ordered to prepare a proposed Notice of Proposed Rulemaking, consistent with this Decision, for the Commission’s consideration at a future Commissioners’ Weekly Meeting.
3. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.
4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 18, 2019.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners

CHAIRMAN JEFFREY P. ACKERMANN
ABSENT.