

Decision No. C21-0112

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21V-0065EC

IN THE MATTER OF THE PETITION OF DESERT RAT TOURS LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

COMMISSION DECISION GRANTING WAIVER IN PART

Mailed Date: March 1, 2021
Adopted Date: February 24, 2021

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 Regulated Intrastate Carrier Rules filed on February 3, 2021, by Desert Rat Tours LLC (Petitioner).

2. Petitioner requests a waiver from Rule 6117(c) 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 Dodge Ram Van 3500, VIN No. 2B5WB35Z71K554674. The waiver is requested from March 1, 2021 through November 1, 2022.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on February 8, 2021.

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 from Commission rules for good cause. In deciding, 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 6117(c), 4 CCR 723-6, states that “With the exception of a Luxury Limousine which meets the definition of “Collector’s Vehicle” in subparagraph 6305(a)(IV), no Motor Vehicle operated under a Certificate or Permit shall be more than 15 years old regardless of condition or mileage.”

8. In support of the waiver, when identifying the reason for the petition, the Petitioner states:

Desert Rat Tours (DRT) is a small guide and shuttle service for the Grand Valley and Moab areas. DRT took a hard hit from the COVID-19 pandemic, effectively shutting down nearly all operations in FY2020. While we have dreams of growth, our budget does not currently allow for the purchase of a new shuttle vehicle for our services. Our 2001 Dodge Ram Van has faithfully carried hundreds of passengers to the top of the Ribbon Trail and throughout the Grand Valley over the years. While it has numbered in years, our van is still running strong and has seen only 106k miles thus far. In addition to the financial hardship that 2020 brought upon our company, we also feel that it is environmentally irresponsible to discard a vehicle with so few miles solely due to its age. The carbon footprint of the automobile manufacturing industry is enormous and we would prefer not to add to the footprint until necessary. In 2021, the Palisade Plunge Trail is expected to be opened to the public. This trail is expected to generate millions of dollars in yearly revenue for local businesses, including shuttle services to the trailheads. These services are in our market area and, if allowed, would boost our yearly revenue, making a newer vehicle for this service a viable option in the future.

9. Petitioner submitted six photographs of the vehicle’s interior and exterior, the past three years of Annual Vehicle Inspection Forms, previous work orders, a valuation statement, safety features of the vehicle, proof of ownership, a revenue report and a loan status statement.

10. The Commission finds that good cause has been shown to grant a waiver from Rule 6117(c) for the 2001 Dodge Ram Van 3500 named in this petition and grants, in part, this petition from the mailed date of this Decision through March 1, 2022.

II. ORDER

A. The Commission Orders That:

1. The petition of Desert Rat Tours LLC for a waiver from Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, is granted in part, from mailed date of this Decision through March 1, 2022.

2. Desert Rat Tours LLC shall keep a copy of this Decision in the 2001 Dodge Ram Van 3500. Desert Rat Tours LLC shall provide this Decision immediately on request by any Commission enforcement official.

3. 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.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 24, 2021.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN C. GAVAN

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Commissioners