

COMMITTEE ON FIXED UTILITIES

BILL 12

A BILL FOR AN ACT

1 CONCERNING THE REGULATION OF RATE INCREASES BY THE PUBLIC  
2 UTILITIES COMMISSION.

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Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Authorizes the public utilities commission to extend the suspension time on rate increases and authorizes the public utility to place the proposed rates into effect under bond and subject to refund pending final commission decision.

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3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 40-6-111 (1), Colorado Revised Statutes 1973, is  
5 amended to read:

6 40-6-111. Hearing on schedules - suspension - new rates -  
7 rejection of tariffs. (1) Whenever there is filed with the  
8 commission any tariff or schedule stating any new or changed  
9 individual or joint rate, fare, toll, rental, charge,  
10 classification, contract, practice, rule, or regulation, the  
11 commission has THE power, either upon complaint or upon its own  
12 initiative and without complaint, at once, and, if it so orders,  
13 without answer or other formal pleadings by the interested public

1 utilities, but upon reasonable notice, to have a hearing  
2 concerning the propriety of such rate, fare, toll, rental,  
3 charge, classification, contract, practice, rule, or regulation.  
4 Pending the hearing and decision thereon, THE COMMISSION MAY, IN  
5 ITS DISCRETION, SUSPEND THE EFFECTIVENESS OF such rate, fare,  
6 toll, rental, charge, classification, contract, practice, rule,  
7 or regulation ~~shall--not--go--into--effect;--but--the--period--of~~  
8 ~~suspension--of--such--rate,--fare,--toll,--rental,--charge,~~  
9 ~~classification,--contract,--practice,--rule,--or--regulation--shall--not~~  
10 ~~extend--beyond--one--hundred--and--twenty--days--beyond--the--time--when~~  
11 ~~such--rate,--fare,--toll,--rental,--charge,--classification,--contract,~~  
12 ~~practice,--rule,--or--regulation--would--otherwise--go--into--effect~~  
13 ~~unless--the--commission,--in--its--discretion,--extends--the--period--of~~  
14 ~~suspension--for--a--further--period--not--exceeding--ninety--days~~ FOR A  
15 PERIOD NOT TO EXCEED NINE MONTHS BEYOND THE DATE WHEN IT WOULD  
16 OTHERWISE BECOME EFFECTIVE; EXCEPT THAT, AT ANY TIME DURING SUCH  
17 SUSPENSION PERIOD, THE AFFECTED PUBLIC UTILITY MAY, UPON  
18 FURNISHING THE COMMISSION WITH A BOND OR OTHER UNDERTAKING  
19 CONDITIONED UPON A REFUND AT A REASONABLE RATE OF INTEREST AS  
20 DETERMINED BY THE COMMISSION OF ANY AMOUNTS COLLECTED DURING SUCH  
21 SUSPENSION PERIOD ULTIMATELY DETERMINED TO BE EXCESSIVE, PLACE  
22 SUCH RATE, FARE, TOLL, RENTAL, CHARGE, CLASSIFICATION, CONTRACT,  
23 PRACTICE, RULE, OR REGULATION INTO EFFECT, AND SUCH RATE, FARE,  
24 TOLL, RENTAL, CHARGE, CLASSIFICATION, CONTRACT, PRACTICE, RULE,  
25 OR REGULATION SHALL BE EFFECTIVE, WITHOUT REFUND OBLIGATION,  
26 BETWEEN THE EXPIRATION OF THE SUSPENSION PERIOD AND THE DATE ON  
27 WHICH THE COMMISSION ISSUES ITS FINAL DECISION REGARDING SUCH

1 RATE, FARE, TOLL, RENTAL, CHARGE, CLASSIFICATION, CONTRACT,  
2 PRACTICE, RULE, OR REGULATION.

3 SECTION 2. Effective date - applicability. This act shall  
4 take effect July 1, 1978, and shall apply to tariffs or schedules  
5 filed with the public utilities commission on or after said date.

6 SECTION 3. Safety clause. The general assembly hereby  
7 finds, determines, and declares that this act is necessary for  
8 the immediate preservation of the public peace, health, and  
9 safety.

COMMITTEE ON FIXED UTILITIES

BILL 13

A BILL FOR AN ACT

1 CONCERNING THE EMPLOYMENT OF LEGAL COUNSEL BY THE PUBLIC  
2 UTILITIES COMMISSION.

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Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Authorizes the executive director of the department of regulatory agencies to appoint attorneys to the public utilities commission as counsel to the commission or as counsel to residential customers.

Repeals a provision concerning the appointment of an attorney for the commission which was made inoperative upon the creation of the division of state solicitor general.

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3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 24-31-201 (2), Colorado Revised Statutes 1973,  
5 is amended to read:

6 24-31-201. Definitions. (2) "Legal services" means any  
7 service performed by any person as an attorney for any state  
8 agency, except legal services performed by the attorney general,  
9 the deputy attorney general and assistant attorneys general, and  
10 by an attorney under section 8-54-105 (2) (a) OR 40-2-104, C.R.S.  
11 1973; or as a hearing officer, hearing examiner, master, or  
12 referee for any state agency; or as an attorney under a contract

1 with any state agency providing for temporary legal services.

2 SECTION 2. 40-2-104 (1), Colorado Revised Statutes 1973, is  
3 amended, and the said 40-2-104 is further amended BY THE ADDITION  
4 OF A NEW SUBSECTION, to read:

5 40-2-104. Assistants and employees. (1) The executive  
6 director of the department of regulatory agencies, pursuant to  
7 section 13 of article XII of the state constitution, may appoint  
8 such experts, engineers, statisticians, accountants, ATTORNEYS TO  
9 SERVE AS COUNSEL TO THE COMMISSION, OR AS PROVIDED IN SUBSECTION  
10 (4) OF THIS SECTION, investigative personnel, clerks, and other  
11 employees as he deems necessary to carry out the provisions of  
12 articles 1 to 13 of this title or to perform the duties and  
13 exercise the powers conferred by law upon the commission who,  
14 except experts employed temporarily for any special purpose AND  
15 ATTORNEYS EMPLOYED IN PARTICULAR RATE PROCEEDINGS TO REPRESENT  
16 RESIDENTIAL CONSUMERS, shall devote their entire time to the  
17 service of the commission to the exclusion of any other  
18 employment.

19 (4) From time to time, in its discretion, the commission  
20 shall have the power to appoint an attorney to act as counsel for  
21 residential consumers in particular rate proceedings pending  
22 before the commission. During the period of time any such  
23 attorney is acting as counsel for such a consumer group, there  
24 shall be no ex parte communications between such attorney and the  
25 commission with respect to that rate proceeding.

26 SECTION 3. Repeal. 40-2-104 (2), Colorado Revised Statutes  
27 1973, is repealed.

1           SECTION 4. Safety clause. The general assembly hereby  
2 finds, determines, and declares that this act is necessary for  
3 the immediate preservation of the public peace, health, and  
4 safety.

COMMITTEE ON FIXED UTILITIES

BILL 14

A BILL FOR AN ACT

1 CONCERNING THE DETERMINATION OF JUST AND REASONABLE RATES BY THE  
2 PUBLIC UTILITIES COMMISSION.

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Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides that, when the public utilities commission establishes rates, it may consider past, present, or future test periods and other factors which may affect the sufficiency or insufficiency of such rates.

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3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 40-3-111 (1), Colorado Revised Statutes 1973, is  
5 amended to read:

6 40-3-111. Rates determined after hearing. (1) Whenever the  
7 commission, after a hearing upon its own motion or upon  
8 complaint, finds that the rates, tolls, fares, rentals, charges,  
9 or classifications demanded, observed, charged, or collected by  
10 any public utility for any service, product, or commodity, or in  
11 connection therewith, including the rates or fares for excursion  
12 or commutation tickets, or that the rules, regulations,  
13 practices, or contracts affecting such rates, fares, tolls,

1 rentals, charges, or classifications are unjust, unreasonable,  
2 discriminatory, or preferential, or in any way violate any  
3 provision of law, or that such rates, fares, tolls, rentals,  
4 charges, or classifications are insufficient, the commission  
5 shall determine the just, reasonable, or sufficient rates, fares,  
6 tolls, rentals, charges, rules, regulations, practices, or  
7 contracts to be thereafter observed and in force and shall fix  
8 the same by order. IN MAKING SUCH DETERMINATION, THE COMMISSION  
9 MAY CONSIDER CURRENT, FUTURE, OR PAST TEST PERIODS OR ANY  
10 REASONABLE COMBINATION THEREOF AND ANY SUCH OTHER FACTORS,  
11 INCLUDING ATTRITION, WHICH MAY AFFECT THE SUFFICIENCY OR  
12 INSUFFICIENCY OF SUCH RATES, FARES, TOLLS, RENTALS, CHARGES, OR  
13 CLASSIFICATIONS DURING THE PERIOD THE SAME MAY BE IN EFFECT.

14 SECTION 2. 40-6-111 (2), Colorado Revised Statutes 1973, is  
15 amended to read:

16 40-6-111. Hearing on schedules - suspension - new rates -  
17 rejection of tariffs. (2) On such hearing, whether completed  
18 before or after the expiration of the period of suspension, the  
19 commission shall establish the rates, fares, tolls, rules, or  
20 regulations proposed, in whole or in part, or others in lieu  
21 thereof, which it finds just and reasonable. IN MAKING SUCH  
22 FINDING, THE COMMISSION MAY CONSIDER CURRENT, FUTURE, OR PAST  
23 TEST PERIODS OR ANY REASONABLE COMBINATION THEREOF AND ANY SUCH  
24 OTHER FACTORS, INCLUDING ATTRITION, WHICH MAY AFFECT THE  
25 SUFFICIENCY OR INSUFFICIENCY OF SUCH RATES, FARES, TOLLS,  
26 RENTALS, CHARGES, OR CLASSIFICATIONS DURING THE PERIOD THE SAME  
27 MAY BE IN EFFECT. All such rates, fares, tolls, rentals, charges,



1 classifications, contracts, practices, rules, or regulations not  
2 so suspended, on the effective date thereof, which shall not be  
3 less than thirty days from the time of filing the same with the  
4 commission, or of such lesser time as the commission may grant,  
5 shall go into effect and be the established and effective rates,  
6 fares, tolls, rentals, charges, classifications, contracts,  
7 practices, rules, and regulations subject to the power of the  
8 commission, after a hearing on its own motion or upon complaint,  
9 as provided in this article, to alter or modify the same.

10 SECTION 3. Effective date. This act shall take effect July  
11 1, 1978.

12 SECTION 4. Safety clause. The general assembly hereby  
13 finds, determines, and declares that this act is necessary for  
14 the immediate preservation of the public peace, health, and  
15 safety.

COMMITTEE ON FIXED UTILITIES

BILL 15

A BILL FOR AN ACT

1 CONCERNING AN INCOME TAX CREDIT OR REFUND TO LOW-INCOME ELDERLY  
2 OR DISABLED PERSONS FOR HEATING EXPENSES FOR RESIDENCES  
3 OCCUPIED BY THEM.

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Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides an income tax credit or refund for heating expenses for persons over a certain age or disabled who come within certain income limitations. Establishes procedures for claiming such credit or refund and provides for the giving of notice of the availability of such credit or refund.

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4 Be it enacted by the General Assembly of the State of Colorado:

5 SECTION 1. Article 22 of title 39, Colorado Revised  
6 Statutes 1973, as amended, and as further amended by Session Laws  
7 of Colorado 1977, is amended BY THE ADDITION OF A NEW SECTION to  
8 read:

9 39-22-124. Tax credit or refund for heating expenses -  
10 eligibility - applicability. (1) (a) There shall be allowed to  
11 individuals having resided within this state for the entire  
12 taxable year who are sixty-five years of age or older during the  
13 taxable year a credit or refund with respect to the income taxes

1 imposed by this article based upon the payment by such persons of  
2 heating expenses for residences occupied by such persons, subject  
3 to the additional qualification requirements of this section.

4 (b) (I) A husband and wife shall be treated as jointly  
5 qualifying for the credit or refund under paragraph (a) of this  
6 subsection (1) if either meets the age requirement and they  
7 jointly meet all the limitations of subsection (3) of this  
8 section. In all cases, a husband and wife shall file one joint  
9 claim.

10 (II) A surviving spouse fifty-eight years of age or older  
11 shall be treated as qualifying for the credit or refund under  
12 paragraph (a) of this subsection (1) if the deceased spouse met  
13 the age requirement and they jointly met all the limitations of  
14 subsection (3) of this section for a prior taxable year and such  
15 surviving spouse meets all the limitations imposed by subsection  
16 (3) of this section.

17 (c) (I) The income tax credit or refund authorized by this  
18 section shall also be allowed to individuals having resided in  
19 this state for the entire taxable year and coming within the  
20 limitations imposed by subsection (3) of this section who,  
21 regardless of age, were disabled during the entire taxable year  
22 to a degree sufficient to qualify for the payment to them of full  
23 benefits from any bona fide public or private plan or source  
24 based solely upon such disability.

25 (II) An individual is disabled for the purposes of  
26 subparagraph (I) of this paragraph (c) if such individual is  
27 unable to engage in any substantial gainful activity by reason of

1 any medically determinable physical or mental impairment which  
2 can be expected to result in death or which has lasted for a  
3 continuous period of not less than twelve months.

4 (d) Eligibility under more than one provision of this  
5 subsection (1) shall not operate to increase the amount of any  
6 credit or refund available to an individual or a husband and wife  
7 under subsection (2) of this section.

8 (2) Such credit or refund shall be as follows:

9 (a) In the case of an individual, one hundred sixty dollars  
10 reduced by four percent of the amount by which his income exceeds  
11 three thousand three hundred dollars;

12 (b) In the case of a husband and wife, one hundred sixty  
13 dollars reduced by four percent of their income over four  
14 thousand three hundred dollars.

15 (3) Such credit or refund shall be allowed to such persons  
16 as described in subsection (1) of this section who meet the  
17 following requirements:

18 (a) Are not claimed as an exemption for purposes of  
19 Colorado income tax by any other person for the taxable year;

20 (b) Have income from all sources for the taxable year of  
21 less than seven thousand three hundred dollars if single or, in  
22 the case of a husband and wife, less than eight thousand three  
23 hundred dollars including, but not limited to, for this purpose,  
24 alimony, support money, cash public assistance and relief,  
25 pension or annuity benefits, federal social security benefits,  
26 veterans' benefits (except those specific veterans' benefits that  
27 are service-connected disability compensation payments),

1 nontaxable interest, workmen's compensation, and unemployment  
2 compensation benefits, but not including outright gifts.  
3 "Service-connected disability compensation payments" means those  
4 payments made for permanent disability, which disability shall be  
5 limited to loss of or loss of use of both lower extremities so as  
6 to preclude locomotion without the aid of braces, crutches,  
7 canes, or a wheelchair; loss of use of both hands; blindness in  
8 both eyes, including such blindness with only light perception;  
9 or loss of one lower extremity together with residuals or organic  
10 disease or injury which so affects the functions of balance or  
11 propulsion as to preclude locomotion without the use of a  
12 wheelchair.

13 SECTION 2. 39-22-121 (1), (2), and (3) (a), Colorado  
14 Revised Statutes 1973, as amended by chapter 516, Session Laws of  
15 Colorado 1977, are amended, and the said 39-22-121 is further  
16 amended BY THE ADDITION OF A NEW SUBSECTION to read:

17 39-22-121. Procedures to claim tax credit or refund. (1)  
18 The A tax credit or refund allowed by sections SECTION 39-22-120,  
19 and 39-22-123, OR 39-22-124 shall be paid from the reserve for  
20 refunds, created by section 39-22-622. Claimants meeting all  
21 qualification requirements for such AN entire taxable year shall  
22 be entitled to a credit or refund allowable pursuant to sections  
23 SECTION 39-22-120, and 39-22-123, OR 39-22-124.

24 (2) The A credit or refund allowed by sections SECTION  
25 39-22-120, and 39-22-123, OR 39-22-124 shall be aggregated and  
26 claimed on income tax returns provided for in this article or, in  
27 the case of an individual not having Colorado taxable income, on

1 such forms or returns for refunds as prescribed by the executive  
2 director. Such aggregate amount shall first be allowed as a  
3 credit against the taxes imposed by this article reduced by all  
4 credits allowed under this article, other than the credits  
5 provided by sections 39-22-120, and 39-22-123, AND 39-22-124.  
6 Any excess of such aggregate amount over such reduced tax shall  
7 be deemed to be an overpayment of taxes imposed by this article  
8 and shall be refunded as provided in section 39-21-108.

9 (3) (a) If two or more persons, other than husband and  
10 wife, are entitled to the A credit or refund allowed by sections  
11 SECTION 39-22-120, and 39-22-123, OR 39-22-124, it may be claimed  
12 by either or any of such persons meeting the qualifications  
13 therefor or may be divided between them, as they may elect. When  
14 two or more persons claim the credit or refund for the same  
15 residence, the executive director is authorized to determine the  
16 proper allocation of such credit or refund.

17 (6) The tax credit or refund for heating expenses shall in  
18 no case exceed the amount of the heating expenses actually paid  
19 and shall not be made unless the appropriate form or return  
20 claiming the same is filed with the department of revenue on or  
21 before the expiration of twenty-four months after the end of the  
22 taxable year for which such credit or refund is claimed.

23 SECTION 3. The introductory portion to 39-22-122 (1),  
24 Colorado Revised Statutes 1973, is amended to read:

25 39-22-122. Notification of availability of tax credit or  
26 refund. (1) The executive director of the department of revenue  
27 shall prescribe and have prepared forms for the purpose of

1 notifying individuals of the qualifying requirements for  
2 entitlement to a credit or refund allowable pursuant to section  
3 39-22-120 OR 39-22-124. Such forms shall be provided annually in  
4 sufficient quantities to accomplish the following:

5 SECTION 4. Effective date - applicability. This act shall  
6 take effect July 1, 1978, and shall apply to taxable years  
7 commencing on or after January 1, 1978.

8 SECTION 5. Safety clause. The general assembly hereby  
9 finds, determines, and declares that this act is necessary for  
10 the immediate preservation of the public peace, health, and  
11 safety.

COMMITTEE ON FIXED UTILITIES

BILL 16

A BILL FOR AN ACT

1 CONCERNING THE REVIEW AND EVALUATION OF ENERGY FORECASTING OF  
2 ELECTRIC AND GAS PUBLIC UTILITIES BY THE PUBLIC UTILITIES  
3 COMMISSION, AND MAKING AN APPROPRIATION THEREFOR.

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Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides that the public utilities commission shall perform a review and evaluation of all Colorado natural gas and electric utilities' energy forecasts, forecasting methodologies, and construction plans and submit a report every two years on the review and evaluation to the governor and to the general assembly. Also requires each electric and gas public utility under its jurisdiction to submit a long-range energy forecast and plan to the commission every two years, plus amendments to such plans and forecasts as they are adopted by the utility.

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4 Be it enacted by the General Assembly of the State of Colorado:

5 SECTION 1. Article 2 of title 40, Colorado Revised Statutes  
6 1973, as amended, and as further amended by Sessions Laws of  
7 Colorado 1977, is amended BY THE ADDITION OF A NEW SECTION to  
8 read:

9 40-2-118. Comprehensive energy report. (1) Beginning  
10 December 1, 1980, and every two years thereafter, the commission  
11 shall transmit to the governor and to the general assembly a



1 comprehensive energy report on electricity and natural gas  
2 projections for use within Colorado. The purpose of the  
3 comprehensive energy report shall be to identify trends relating  
4 to energy supply, demand, and conservation in order to assist the  
5 commission, the governor, and the general assembly in taking  
6 appropriate action to efficiently and economically meet the  
7 state's energy requirements.

8 (2) The comprehensive energy report shall include, but not  
9 be limited to, the following:

10 (a) The commission's independent review and evaluation of  
11 energy forecasts, forecasting methodologies, and construction  
12 plans of all Colorado natural gas and electric public utilities  
13 under its jurisdiction, including comments and recommendations  
14 thereon;

15 (b) The commission's estimate of future statewide electric  
16 and natural gas energy demand within its jurisdiction, based on  
17 its review and evaluation of utility forecasts;

18 (c) A specification of those cost-effective energy  
19 conservation measures which are required by statute or by  
20 commission order, the energy savings resulting therefrom, and, to  
21 the extent possible, those conservation measures which the  
22 commission intends to investigate; and

23 (d) Recommendations by the commission for legislative or  
24 administrative action relating to energy or public utilities.

25 (3) In preparing its energy report, the commission shall  
26 independently review and evaluate the energy forecasts,  
27 forecasting methodologies, and construction plans of each

1 electric and gas public utility submitted pursuant to subsection  
2 (5) of this section. The commission shall set forth its findings  
3 and conclusions regarding the accuracy and acceptability of the  
4 utilities' forecasts. The commission's review and evaluation and  
5 its comprehensive energy report shall include, but not be limited  
6 to, consideration of:

7 (a) Increases in energy demand brought about by increased  
8 population and economic growth and the impact on energy demand of  
9 other socioeconomic factors;

10 (b) The availability of energy and other resources;

11 (c) The long-term stability of utility costs to consumers;

12 (d) The costs and feasibility of projected utility plans  
13 and forecasts and the costs and feasibility of alternative  
14 methods for meeting energy requirements; and

15 (e) The impact on demand of energy conservation, new  
16 technologies, and increased efficiency of utility operations and  
17 facilities.

18 (4) The most recent comprehensive energy report issued by  
19 the commission pursuant to this section shall be considered by  
20 the commission and shall be admissible as evidence by any party  
21 in each commission proceeding on a request by an electric or gas  
22 public utility for a rate increase or decrease, in each  
23 commission proceeding on an application by an electric or gas  
24 public utility for a certificate of public convenience and  
25 necessity pursuant to sections 40-5-101 to 40-5-104, and in each  
26 commission proceeding on an application by an electric or gas  
27 public utility for permission to issue securities pursuant to

1 section 40-1-104.

2 (5) To facilitate the commission in preparing its  
3 comprehensive energy report required by this section, each  
4 electric and gas public utility under the jurisdiction of the  
5 commission shall submit biennially to the commission a ten-year  
6 energy forecast for the utility's service area and plans for  
7 meeting the projected demands. Such forecasts and plans,  
8 together with such sufficient number of copies as the commission  
9 may require, shall be submitted in a manner and at a time to be  
10 prescribed by the commission. Whenever an electric or gas public  
11 utility adopts changes in forecasts or plans submitted to the  
12 commission pursuant to this subsection (5), it shall report such  
13 amendments to the commission in a manner to be prescribed by the  
14 commission.

15 SECTION 2. Appropriation. There is hereby appropriated,  
16 out of any moneys in the state treasury not otherwise  
17 appropriated, to the public utilities commission fixed utility  
18 fund, for the fiscal year beginning July 1, 1978, the sum of  
19 ninety-nine thousand seven hundred dollars (\$99,700), or so much  
20 thereof as may be necessary, for the implementation of this act.

21 SECTION 3. Safety clause. The general assembly hereby  
22 finds, determines, and declares that this act is necessary for  
23 the immediate preservation of the public peace, health, and  
24 safety.

LEGISLATIVE COUNCIL  
COMMITTEE ON TRANSPORTATION AND ENERGY

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## COMMITTEE ON TRANSPORTATION AND ENERGY

The Committee on Transportation and Energy was directed by the Legislative Council to conduct a "sunset" review of the Public Utilities Commission's regulation of non-fixed utilities; to work with the Colorado Energy Research Institute in planning and holding an energy symposium; to prepare a statewide plan for rail services in order to qualify the state for freight rail service assistance from the federal government; and to study the requisite levels for primary and secondary ambient air quality in Colorado.

The committee recommends four bills concerning the Public Utilities Commission (PUC) regulation over non-fixed utilities: Bill 17, exempting commercial carriers from regulation by the commission; Bill 18, exempting towing carriers, sand and gravel vehicles, log and pole trucks, and motor carriers when used for commercial sightseeing trips, from PUC regulation; Bill 19, authorizing the Public Utilities Commission to impose civil penalties upon transportation carriers for violations; and Bill 20, placing taxicabs under the doctrine of "regulated competition".

A resolution which encourages a study by the Colorado Air Pollution Control Commission of airborne particulate matter is also recommended (Bill 21). A review of committee activities regarding the development of a state rail plan and the hosting of an energy symposium is also included in this report.

### Public Utilities Commission Regulation of Non-Fixed Utilities

In conducting its "sunset" review of the Public Utilities Commission regulation of non-fixed utilities, the committee received testimony from representatives of the Department of Regulatory Agencies, the Office of State Auditor, the Public Utilities Commission, and transportation modes regulated by the PUC, concerning the effectiveness of the present regulation of the transportation industry. It was the consensus of these groups and agencies that the PUC should continue to regulate most, if not all, segments of the transportation industry. However, a number of revisions in the structure of the PUC and in its administrative procedures were suggested.

Several industry spokesmen, along with representatives of the Department of Regulatory Agencies and the Public Utilities Commission, suggested dividing the Public Utilities Commission into two commissions; one regulating fixed utilities, and one regulating non-fixed utilities. Recommendations included the elimination of duplication in safety inspections now being conducted by the PUC and the Department

of Revenue and, in some cases, by the U.S. Department of Transportation. In addition, it was suggested that an index system be established by the PUC to provide ready access to prior commission decisions to assure consistent application of these decisions to applications for a change in authority or tariff.

The committee decided not to recommend legislation creating two separate commissions, but rather to attempt to lessen the administrative workload of the commissioners and the staff of the PUC in matters relating to transportation regulation. The proposal for eliminating duplication of safety inspections was answered in part by the committee recommendation to exempt towing, log and pole, sand and gravel and certain vehicles used for sightseeing from PUC regulation (Bill 18). No action was taken on the proposal to establish an indexing system for authorities granted.

Several proposals regarding accountability of the PUC's commissioners were suggested for consideration by both the Committee on Fixed Utilities and this committee. The suggested legislation related to limiting the number of terms for commissioners and requiring periodic financial disclosure by commissioners. This committee makes no recommendations on these subjects since the Committee on Fixed Utilities has already submitted such recommendations. (See Bills 9 and 11 of the report of the Committee on Fixed Utilities.)

#### PUC Regulation Over Non-Fixed Utilities

A substantial portion of the committee's five public hearings was devoted to resolving the question of which transportation modes should continue to be regulated by the Public Utilities Commission. Testimony by representatives of the various transportation modes (e.g. the common and contract carriers, cab companies, and bus companies) generally favored continued regulation. They contended that deregulation could result in excessive competition which would have a detrimental effect on the quality of service and the cost structure of their industry. An overabundance of firms could create "cut-throat" competition where rates would fall below costs and carriers would sacrifice the quality and safety of their service in order to stay in business.

A representative of the Department of Regulatory Agencies (DORA) suggested that his department, of which the PUC is a part, do less regulating, and he urged the committee to seriously consider deregulation of at least a portion of the transportation industry. It was suggested that state statutes are overly protective of the transportation industry and that government should only get involved in regulation in those instances where it can be shown that private enterprise does not work.

The committee concluded that a portion of the transportation industry, namely commercial carriers, towing carriers, sand and gravel trucks, log and pole trucks, and vehicles used solely for commercial

sightseeing trips should be exempt from regulation by the Public Utilities Commission. Bills 17 and 18 are recommended to accomplish these purposes. The committee also recommends Bill 19, which will grant the commission the authority to levy fines (civil penalties) for certain violations by motor carrier operators, and Bill 20, which will place the operation of the taxicab industry under the doctrine of "regulated competition", rather than "regulated monopoly".

### Regulation of the Ash and Trash Hauling Industry

A variety of opinions were offered concerning the effectiveness and propriety of regulation of the ash and trash hauling industry. Present regulation controls entry into the ash and trash industry, the territory to be serviced by the hauler, and the rates which may be charged regarding any particular service performed by the hauler. In addition, the PUC sets permit fees and insurance requirements, and is charged statutorily with conducting safety inspections of ash and trash vehicles.

Several ash and trash haulers suggested that no revisions be considered concerning PUC regulation over their industry. They contended that certain rural areas of the state would not receive trash removal service if PUC regulation was discontinued. They added that deregulation could lead to "cut-throat" competition among the new and the established trash haulers. Fears were expressed that governmental agencies would be encouraged to assume trash hauling responsibilities. In addition, it was suggested that, should there be deregulation of the ash and trash industry, large conglomerates from other states could enter Colorado and force out of business the smaller, Colorado owned, ash and trash hauling franchises.

Partial or total deregulation of the ash and trash industry was advocated by some. This point of view suggested that regulation of ash and trash haulers exists for the protection of the established companies and encourages inefficiencies in the industry. It was stated that, since regulation of the trash hauling industry began in 1971, there has been a decrease in the number of haulers. Advocates of deregulation added that trash haulers are already regulated at the local level, making state regulation unnecessary and inappropriate. They also pointed out that Colorado is only one of seven states which now regulates, on a statewide basis, the ash and trash industry.

Two bills concerning PUC regulation over the ash and trash industry were considered. Mr. Herchal Helm, Colorado Solid Wastes Management Association (speaking for continued regulation), presented a proposal specifically concerning the regulation of refuse collectors. The bill would have provided that refuse collectors be required to obtain a permit to operate from the PUC. Before the permit could be issued, the applicant would have had to produce "satisfactory evidence" of liability insurance and fiscal responsibility. As part of his proof of fiscal responsibility, the applicant would have been required to file with the PUC a current financial statement showing

all assets, liabilities, and proposed capitalization of the company involved.

The proposed bill by Mr. Helm further provided that the fee for each permit be \$250. This fee would have been credited to the Public Utilities Commission Motor Carrier Fund. The bill also would have authorized the PUC to establish minimum but not maximum rates and charges based on terrain and population density. Finally, the bill draft would require all refuse collectors to file annually with the commission a tariff showing their rates and charges.

Another bill was submitted by Ms. Britt Anderson, representing Browning-Ferris Industries, which was in support of deregulation. This proposal would have deleted the ash and trash industry regulation from Article 10 of Title 40, C.R.S. 1973, which contains the provisions regarding common carriers, and from Article 11 of Title 40, which contains the provisions pertaining to contract carriers. Deletion of these articles would remove all trash haulers from PUC regulation. The bill would have also provided counties with specific statutory authority to: a) establish safety, health, and environmental regulations; b) issue licenses to trash haulers, and c) to contract with private ash and trash haulers where necessary to ensure service.

Committee members voiced objections to provisions in both draft proposals and the committee submits no recommendation on either bill.

There was a wide variance of opinions among committee members as to the feasibility of deregulating the ash and trash industry. The committee decided at its September 28 meeting to cease all discussions for the interim on the ash and trash industry, since it was apparent that a satisfactory resolution of this issue was not probable.

#### Regulation of Commercial Carriers by Motor Vehicle -- Bill 17

Commercial carriers by motor vehicle (for example, delivery trucks owned and operated by a department store) will be removed from regulation by the Public Utilities Commission under the provisions of Bill 17. A review of the statutes (Section 40-12-101, et seq., C.R.S. 1973) and testimony given by the Public Utilities Commission indicated that there is at present minimal PUC regulation over commercial carriers. Such carriers are not subject to economic regulation by the PUC and, even though commercial carriers must obtain a permit from the PUC before they can operate, the only prerequisite for such a permit is that the carrier file with the PUC an adequate liability insurance policy or surety bond. Furthermore, although safety inspections of commercial carriers are conducted by the PUC, such inspections are performed only on a spot check basis.

This bill will require that the Department of Revenue develop safety standards and specifications for the operation of commercial carriers by motor vehicle. A complete safety inspection, under the supervision of the Department of Revenue, will be required of such



vehicles every six months. Operators of commercial carriers will be required to pay \$10.40 for each inspection and to have secured on their vehicles an official certificate of inspection. Said operators will also be required to have, in each commercial carrier, a motor vehicle liability insurance policy or a surety bond in the sum of \$50,000 for property damage; \$100,000 for damages for or on account of injury or death of one person as a result of any one accident; and the sum of \$300,000 for bodily injury to or death of all persons as a result of any one accident.

The committee believes that the bill's requirement of safety inspections for all commercial carriers every six months will ensure a higher continued level of safety for such vehicles than now exists under a system of spot check safety inspections conducted by the PUC and annual inspections supervised by the Department of Revenue. Representatives of the Public Utilities Commission indicated that only approximately 1.8 percent of the commercial carriers are now inspected annually by means of spot checks at ports of entry, with between 20 and 25 percent of those vehicles failing such inspections. The administrative responsibilities of the PUC will also be lessened by the bill's provision that liability insurance policies be kept in the commercial carrier rather than be filed with the PUC.

Repeal of PUC Regulation of Towing Carriers, Carriers Transporting Passengers in Sightseeing Service, and Motor Vehicles Transporting Sand and Gravel or Logs and Poles -- Bill 18

Bill 18 will exempt from commission regulation towing carriers and vehicles transporting only sand and gravel or logs and poles. In addition, there will be no PUC regulation over certain motor vehicle carriers when said carriers are transporting passengers in sightseeing service if such transportation is over established sightseeing routes and if it originates and terminates at the same location.

Representatives of DORA and the State Auditor's Office indicated that these carriers are presently subject to limited regulation. The PUC licenses said carriers with only proof of safety, financial capability, and insurance required. There is no economic regulation by the Public Utilities Commission over such carriers, although the PUC's regulation over commercial sightseeing vehicles includes entry into that industry. The committee believes that exempting these carriers from PUC regulation will reduce the "paper shuffling" which the commission now encounters. Furthermore, in the case of towing carriers, the safety inspections performed by the Department of Revenue should adequately cover the safety needs of such vehicles.

Authorizing Civil Penalties Upon Transportation Carriers for Violations -- Bill 19

Only three direct options, other than going through civil actions in court, are available to the PUC in dealing with abuses of

authority by motor carriers. The options are: (1) issuance of a cease and desist order; (2) suspension (for a specified number of days or months) of the carrier's privileges to operate; and (3) revocation of the operator's license. It was stated that option (1) frequently is disregarded by the operator, while options (2) and (3) may be overly severe and restrictive on the operator. Furthermore, the imposition of a fine instead of a revocation or suspension of a certificate, permit, or registration can be more easily enforced by the commission and would be less likely to have an immediate detrimental effect upon service to the consumer.

Bill 19 is recommended as an alternative means of punishment for common, contract, commercial, and towing carrier operators for abuses of authority. This bill will allow the Public Utilities Commission to levy a fine upon a carrier of up to \$5,000 per day of non-compliance for violations of the appropriate statutes on PUC rules and regulations. The bill will allow said violator to pay the sum certain, if the PUC concurs, to avoid the possibility of having his permit suspended, revoked, amended, or altered.

Receipts from civil penalties collected pursuant to this bill will be remitted to the State Treasurer and will be credited to the Public Utilities Commission Motor Carrier Fund.

#### Applying the Doctrine of Regulated Competition to Taxicabs -- Bill 20

The regulation of taxi companies by the Public Utilities Commission will be changed from the doctrine of "regulated monopoly" to "regulated competition" under the provisions of Bill 20.

The "regulated monopoly" doctrine provides that new competition, which would simply duplicate services already available, is to be excluded from the market. The primary philosophy behind this doctrine is that the public interest is better served if additional carriers are not permitted to enter an area while existing service is adequate. The "regulated competition" doctrine provides that new carriers are permitted to enter an area served by another carrier if there is sufficient business to warrant their presence.

The committee, although opposed to complete deregulation of the taxicab industry, is supportive of easier entry for new taxicab companies into the industry and recommends the regulation of the taxicab industry under the doctrine of "regulated competition". Bill 20 will apparently allow the Public Utilities Commission greater flexibility in awarding taxicab franchises in areas already served by one or more taxicab companies.

#### Continuation of the Public Utilities Commission

The committee recommends the continuation of the Public Utilities Commission until July 1, 1984. No bills are recommended for this

purpose since the Committee on Fixed Utilities has already submitted such a recommendation for consideration and a duplicate bill was considered unnecessary. (See Bill 8 of the Committee on Fixed Utilities.)

### Development of a Statewide Rail Plan

The committee reviewed the federal rail service assistance program established by Section 803 of the federal "Railroad Revitalization and Regulatory Reform Act of 1976". This program provides federal moneys to states to aid in the development of a state rail plan and the funding of projects identified in the plan as the solutions to certain rail problems.

After reviewing this program, the committee concluded that Colorado would benefit from a rail study, conducted with public and legislative involvement, which would examine rail problems throughout the state. The committee is confident that the completed state rail plan will offer specific solutions to rail problems which were scrutinized during the course of the study.

### Modifications to the Original Planning Work Statement

Colorado's Planning Work Statement for the Development of a Statewide Rail Plan sets forth the following five areas of rail planning to be considered during the rail study: the statewide rail network, branch lines, passenger lines, rail related energy development impacts (primarily relating to coal trains), and transportation safety. This document also outlines the goals of the study and the thirteen procedural steps or "elements" which will be taken to complete and implement the plan. The planning work statement was originally submitted by the Colorado Department of Highways to the Federal Railroad Administration (FRA) on December 20, 1976, and was later amended by the department on February 25, 1977.

As a result of being designated by the Legislative Council as the governmental entity responsible during this interim period for overseeing and directing the development of the state rail plan, the Committee on Transportation and Energy decided that it needed to review the contents of the planning work statement and revise that statement to reflect the role of the Legislative Council or its designee.

The committee's major revisions to the planning work statement concerned the delineation of the role of the Legislative Council or its designee as the policy making authority on the development of a statewide rail plan; the addition of two transportation planning goals; and the elimination of conclusions in the statement that Colorado would provide branch line subsidies.

The planning work statement, as revised, states that the Colorado Department of Highways is to be "the lead agency with the responsibility for the actual conduct of the Study under the policy and structural direction of, and pursuant to guidelines set forth by, the Legislative Council or its designee." Additional conforming amendments were made to the planning work statement to ensure that the leadership role and involvement of the Legislative Council or its designee in directing the development of a state rail plan is clearly delineated.

After testimony and further discussion, the committee decided that an additional goal of the rail plan study should be:

To review state and local regulation of railroads and promote elimination of duplication of regulation of private enterprise with its attendant costs to the public, at all levels of government.

The committee believes that duplicative rail regulations may hinder the efficient operation of railroads, thus adversely affecting the public and economic interests of Colorado. Consequently, the committee recommends that the rail study review state and local regulation of railroads in order to determine if duplicative regulations exist and how any such duplicative regulations could be eliminated.

The second transportation planning goal added concerned grade crossing protection and separation programs. Railroad-highway grade crossing protection is necessary for public safety and it is recommended that the rail study examine whether state and federal funds allocated by the Colorado Department of Highways and the Public Utilities Commission are sufficient to resolve the economic and safety problems relating to grade crossings.

The issue of grade separations was likewise of great interest to the committee. Concern was voiced that increased coal train traffic would divide towns and sections of towns for longer periods of time, thereby disrupting the flow of traffic, hindering the delivery of police and medical services, and increasing the possibility of accidents between trains and motor vehicles. It was the committee's opinion that more grade separations will probably be needed to ameliorate these problems, but that the present method of determining how to divide the costs of grade separation structures equitably among the parties benefiting from the structure is ineffective and cumbersome. Therefore, the following directive was added to the planning work statement:

The Study will examine the feasibility of, and if practicable, recommend, a formula for the apportionment of costs of rail separation structures, either elevated or depressed, based upon benefits of expediting shipments of freight with the attendant cost reduction to the rail carrier and the consumer. Among other criteria to be considered will be safety to the public and rail carrier, elimination of time delays from congestion, and the facilitation of motor traffic.

The committee also recommended that the planning work statement be amended to eliminate any conclusions that the State of Colorado will provide branch line subsidies. Committee members believe that it is too early in the planning process to determine that branch line subsidies will be needed and that the state will provide such subsidies.

### Legislative Involvement During Rail Plan's Development

The committee set forth in the planning work statement the procedure to be followed by the Colorado Department of Highways and any study consultant to ensure legislative involvement and direction in the development of the state rail plan. The Colorado Department of Highways and any consultant will meet with the appropriate legislative committee, as designated by the Legislative Council, at every scheduled interim meeting of the committee to submit progress reports and to receive committee directives concerning the study's methodology.

In addition, members of the 1977 Interim Committee on Transportation and Energy will be provided with regular monthly progress reports on the conduct of the study and progress reports will be sent to members of the designated legislative committee after the completion of each major phase of the study. If the chairman or vice-chairman of the appropriate legislative committee deems it advisable, additional meetings with the highway department and any consultant may be called at any time during the 1978 legislative session and interim period to allow for the presentation of progress reports and to afford the committee the opportunity to provide comments, or give additional directions to the rail study.

The Interim Committee on Transportation and Energy also specified that the Policy Advisory Committee include two members of the House Transportation and Energy Committee, appointed by the Speaker of the House, and two members of the Senate Transportation Committee, appointed by the President of the Senate. The purpose of this Policy Advisory Committee, which includes governmental representatives of state, regional and local areas, is to provide governmental coordination, guidance, and involvement in the rail planning process.

### Budget

Shown below is a chart outlining the federal planning funds which have already been allocated for the development of a statewide rail plan and the state matching money which is needed in order to fulfill Colorado's agreement with the federal government. Representatives of the Colorado Department of Highways indicated that "in-kind" contributions, such as the expenses incurred by committee members, representatives of the railroad industry, and highway department employees while working on the development of the state rail plan, would substantially meet the requirements for state matching funds.

Table 1

## FRA RAIL PLANNING FUNDS -- COLORADO

	<u>Federal</u>	<u>State Match</u>	<u>Total</u>
1) Original grant	\$100,000	0	\$100,000
2) FY 76-77*			
Reallocation	30,908	\$ 3,434	34,342
3) FY 77-78*	<u>108,655</u>	<u>12,073</u>	<u>120,728</u>
Total	\$239,563	\$15,507	\$255,070

\* This represents the federal fiscal year which extends from October 1 to September 30.

The budget was amended in the planning work statement to show the funds which would be necessary to complete the plan itself -- \$253,300. (Table 2 shows the amended budget for the rail study.) This sum will probably not be sufficient to implement a continuing planning process and to prepare an annual Program of Projects after the state rail plan has been adopted. The annual Program of Projects lists planning projects and projects specifically outlined in the state rail plan for which applications for federal rail service assistance might be submitted.

#### Rail Plan Adoption

When the state rail plan is completed it will be presented to the Legislative Council or its designee for formal approval and then submitted to the first regular session of the Fifty-second General Assembly for its approval or modification. Subsequently, the plan will be delivered to the Governor for his certification and then submitted to the Federal Railroad Administration for final approval.

#### Ambient Air

Portions of two interim meetings were devoted to an examination of the requisite levels of primary and secondary ambient air quality in Colorado. Within this general directive, however, the committee's emphasis centered on the present standards regarding particulate matter.

Pursuant to the authority granted it in the Colorado Air Pollution Control Act of 1970, the state Air Pollution Control Commission

TABLE 2 (REVISED 11-15-77)  
STATEWIDE RAIL PLAN  
PROJECT BUDGET

	3 Year Total	First Year 7/1/76-6/30/77	Second Year 7/1/77-6/30/78	Third Year 7/1/78-6/30/79			
		State	Consultant	State	Consultant		
1. Administrative and Organization							
Structure -----	\$ 12,500	\$ 6,500	\$ 6,000				
2. Development & Refinement of Background Information -----	\$ 5,500	\$ 2,500	\$ 3,000				
3. Rail Planning Goals -----	\$ 6,000	\$ 2,800	\$ 3,200				
4. Refine Study Program -----	\$ 4,400	\$ 2,100	\$ 2,300				
SUB-TOTAL	\$ 28,400	\$ 13,900	\$ 14,500				
1. Data Collection -----	\$ 49,000	\$ 9,000	\$ 40,000				
2. Identify Preliminary Rail Needs -----	\$ 22,300	\$ 6,300	\$ 16,000				
3. Develop State Policy, Initial Rail System and Service Alternatives -----	\$ 24,500	\$ 2,500	\$ 5,000	\$ 3,000	\$ 14,000		
4. Evaluation of Alternatives -----	\$ 21,000	\$	\$	4,000	17,000		
5. Preliminary Plan Development -----	\$ 24,000	\$	\$	\$ 6,000	\$ 18,000		
6. Review and Update Plan -----	\$ 15,800	\$	\$	\$ 5,300	\$ 10,500		
SUB-TOTAL	\$ 156,600	\$ 17,800	\$ 61,000	\$ 18,300	\$ 59,500		
DIRECT COSTS	\$ 68,300	\$ 21,400	\$ 10,600	\$ 13,000	\$ 9,100	\$ 3,300	\$ 10,900
TOTAL COSTS	\$ 253,300	\$ 21,400	\$ 10,600	\$ 44,700	\$ 84,600	\$ 21,600	\$ 70,400
TOTAL FOR YEAR	---	\$ 32,000	\$ 129,300				\$ 92,000

has adopted state ambient air standards regarding particulate matter which are at variance with those developed by the federal government. The commission has established two classifications in which to divide the state -- designated and nondesignated areas. Within these areas, the commission has imposed two different ambient air standards, the more stringent being applied to nondesignated areas. The more stringent standards within nondesignated areas are apparently designed to preserve the superior quality of air in predominately rural areas. State standards in both these areas are, in addition, more stringent than the federal standards. The designated areas of the state are composed of most of the Front Range, and a small portion of Mesa County.

Testimony identified two primary areas of concern regarding particulate matter. First, the present state standards do not adequately take into consideration the level of background particulate matter which results from natural conditions, such as airborne dust which is generated by dry prairies. Such failure has contributed to the establishment of standards which provide little margin for any increased particulates created by human activities. In certain areas of the state, it was pointed out, measurements have indicated that these background particulates already exceed the established standards. Consequently, in attempting to meet and maintain these stringent state standards, the economic growth potential of several areas may be crippled.

Second, testimony also indicated that the state's present standards do not adequately consider particulate size and its effect on health. It is generally understood that very small particulates, which are produced by industrial activity and may enter into the lungs, present serious health hazards. Larger particulates -- such as those created by natural occurrences -- on the other hand, can be discharged from the throat and consequently present little danger. Present standards do not distinguish between particulate size and may, therefore, not appropriately address the health objectives of the standards.

As a result of this testimony, the committee recommends Bill 21, a resolution which urges the Colorado Air Pollution Control Commission to undertake a comprehensive study of this matter. It is the committee's hope that such a study will result in appropriate amendments to this standard which recognizes the natural background levels of pollutants and the particulate size. The committee also urges the General Assembly to thoroughly review any proposed air quality standards in order that the commission may establish realistic goals which balance environmental and economic concerns.

### Colorado Energy Symposium I

Colorado Energy Symposium I was held in Denver's Cosmopolitan Hotel from October 31 to November 1 through the joint efforts of the



committee and the Colorado Energy Research Institute. More than 400 persons, including Governor Lamm, former Governor Vanderhoof, and approximately one-half of the members of the General Assembly, were participants at the symposium. Among the topics discussed were the supply and demand for energy resources in Colorado; federal, state and local regulation of the energy industry; and the possible impacts of energy development upon Colorado communities. A journal of proceedings of the symposium is being prepared and will be available by late December, 1977.

COMMITTEE ON TRANSPORTATION AND ENERGY

BILL 17

A BILL FOR AN ACT

1 REMOVING COMMERCIAL CARRIERS BY MOTOR VEHICLE FROM REGULATION BY  
2 THE PUBLIC UTILITIES COMMISSION.

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Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Removes commercial carriers by motor vehicle from regulation by the public utilities commission. Provides that such carriers have evidence of minimum insurance coverage in each vehicle. Requires commercial vehicles to obtain a special biannual inspection sticker in lieu of an annual sticker and that the inspection of such vehicles be more complete in specified areas.

Repeals the public utilities commission regulatory provisions for commercial carriers by motor vehicle.

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3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 40-2-116, Colorado Revised Statutes 1973, is  
5 amended to read:

6 40-2-116. Motor carrier safety regulations. The commission  
7 has the duty to establish for motor carriers, subject to ~~articles~~  
8 ~~10-to-12~~ ARTICLE 10 OR 11 of this title, reasonable requirements  
9 to promote safety of operation and, to that end, prescribe  
10 qualifications and maximum hours of service of employees and  
11 minimum standards of equipment and for the operation thereof. For

1 the purpose of carrying out the provisions of this section  
2 pertaining to safety, the commission may avail itself of the  
3 assistance of any agency of the United States or of this state  
4 having special knowledge of any such matter as may be necessary  
5 to promote the safety of operation and equipment of motor  
6 vehicles as provided in this section. In adopting such rules and  
7 regulations, the commission shall use as general guidelines the  
8 standards contained in the current rules and regulations of the  
9 United States department of transportation relating to explosives  
10 and other dangerous articles, safety regulations, qualifications  
11 of drivers, driving of motor vehicles, parts and accessories,  
12 recording and reporting of accidents, hours of service of  
13 drivers, and inspection and maintenance of motor vehicles.

14 SECTION 2. Part 2 of article 4 of title 42, Colorado  
15 Revised Statutes 1973, as amended, and as further amended by  
16 Session Laws of Colorado 1977, is amended BY THE ADDITION OF A  
17 NEW SECTION to read:

18 42-4-234. Minimum standards for commercial vehicles. (1)  
19 No person shall operate a commercial vehicle, as defined in  
20 subsection (2) of this section, on any public highway of this  
21 state unless such vehicle is in compliance with the safety  
22 standards and specifications adopted by the department pursuant  
23 to subsection (3) of this section.

24 (2) As used in this section, "commercial vehicle" means any  
25 motor vehicle used by a person, other than a motor vehicle  
26 carrier as defined by section 40-10-101 (4), C.R.S. 1973, or a  
27 contract carrier by motor vehicle as defined by section 40-11-101

1 (3), C.R.S. 1973, for the transportation of property sold or to  
2 be sold by him in the furtherance of any private commercial  
3 enterprise or property of which he is the owner or lessee, if  
4 transported for the purpose of lease or rent on or over any  
5 public highway of this state. Any motor vehicle used solely for  
6 the transportation of farm products or livestock to market by any  
7 farmer or producer selling or delivering only such farm products  
8 or livestock actually grown or produced by such farmer or  
9 producer or for the transportation by such farmer or producer of  
10 supplies to the farm for his own use, if such farm products,  
11 livestock, or supplies are transported in a motor vehicle  
12 actually belonging to such farmer or producer; or used  
13 occasionally by a farmer for exchanging transportation work with  
14 a neighbor; or owned and operated by the United States, the state  
15 of Colorado, or any county, city, town, or municipal corporation  
16 in this state, or by any of the departments thereof; or  
17 especially constructed for towing, wrecking, and repairing and  
18 not otherwise used in transporting property; or used as a hearse  
19 or ambulance shall not be deemed to be a commercial vehicle.

20 (3) The department shall adopt safety standards and  
21 specifications for the operation of commercial vehicles. In  
22 adopting such standards and specifications, the department shall  
23 give consideration to the design and use of such vehicles in  
24 general and provide for a complete inspection of such vehicles  
25 relating to starting, steering, brake, and exhaust systems, tires  
26 and wheels, frame and suspension, and lights, and any other  
27 equipment or accessory, the proper functioning of which is found

1 by the department to be necessary for the safe operation of the  
2 vehicle.

3 (4) Any person who violates any provision of this section  
4 commits a class 3 traffic offense.

5 SECTION 3. 42-4-302, Colorado Revised Statutes 1973, as  
6 amended, and as further amended by Session Laws of Colorado 1977,  
7 is amended BY THE ADDITION OF A NEW SUBSECTION to read:

8 42-4-302. Periodic inspections required. (10) Commercial  
9 vehicles, as defined in section 42-4-234 (2), shall be subject to  
10 the safety standards and specifications adopted by the department  
11 pursuant to section 42-4-234, in addition to all other safety  
12 requirements under the laws of the state of Colorado; except that  
13 commencing January 1, 1979, every commercial vehicle registered  
14 in this state shall be inspected at least twice each year at  
15 six-month intervals, and an official certificate of inspection,  
16 clearly distinguishable from and in lieu of an annual  
17 certificate, shall be obtained for each such vehicle. Annual  
18 inspection certificates for commercial vehicles issued on or  
19 after January 1, 1978, and on or before December 31, 1978, shall,  
20 according to the rules promulgated by the department, expire in  
21 approximately equal numbers on days during the first six-month  
22 interval. The inspection fee for such vehicles shall not exceed  
23 ten dollars and forty cents and shall be collected in the manner  
24 set forth in section 42-4-303 (5) (a).

25 SECTION 4. Part 5 of article 7 of title 42, Colorado  
26 Revised Statutes 1973, is amended BY THE ADDITION OF A NEW  
27 SECTION to read:

1           42-7-510. Insurance or bond required. Every person who  
2 operates a commercial vehicle, as defined in section 42-4-234  
3 (2), shall, before commencing such operations, have in such  
4 vehicle a motor vehicle liability insurance policy issued by an  
5 insurance carrier or insurer authorized to do business in the  
6 state of Colorado or a surety bond issued by a company authorized  
7 to do a surety business in the state of Colorado, in the sum of  
8 fifty thousand dollars for damages to property of others; the sum  
9 of one hundred thousand dollars for damages for or on account of  
10 bodily injury or death of one person as a result of any one  
11 accident; and, subject to such limit as to one person, the sum of  
12 three hundred thousand dollars for or on account of bodily injury  
13 to or death of all persons as a result of any one accident.

14           SECTION 5. 10-4-707 (4), Colorado Revised Statutes 1973, is  
15 amended to read:

16           10-4-707. Benefits payable. (4) When an accident involves  
17 the operation of a motor vehicle by a person who is neither the  
18 owner of the motor vehicle involved in the accident nor an  
19 employee of the owner, and the operator of the motor vehicle is  
20 an insured under a complying policy other than the complying  
21 policy insuring the motor vehicle involved in the accident,  
22 primary coverage as to all coverages provided in the policy under  
23 which the operator is an insured shall be afforded by the policy  
24 insuring the said operator and any policy under which the owner  
25 is an insured shall afford excess coverage. When an accident  
26 involves the operation of a motor vehicle regulated under the  
27 provisions of article 10 ~~11,--or-12~~ OR 11 of title 40, C.R.S.

1 1973, the provisions of subsection (3) of this section shall  
2 apply.

3 SECTION 6. 22-32-128, Colorado Revised Statutes 1973, is  
4 amended to read:

5 22-32-128. Use of school buses by residents of district.

6 At times to be specified by the board, motor vehicles used for  
7 the transportation of pupils pursuant to the provisions of  
8 section 22-32-113 shall be available to groups of five or more  
9 residents of the district who are sixty-five years of age or  
10 older for use within or without the district. The board of  
11 education of each school district of the state shall adopt  
12 policies regarding the reasonable use of such vehicles by groups  
13 of persons with special consideration being given those residents  
14 who are sixty-five years of age or older. Such motor vehicles  
15 shall be covered by an insurance policy similar to, with limits  
16 not less than, the insurance coverage which is in effect while  
17 said motor vehicles are used for the transportation of pupils. To  
18 the extent that such policies provide for the reimbursement to  
19 the school district of all the expenses of the operation of such  
20 motor vehicles as determined by the school district auditor, no  
21 such reimbursement shall constitute compensation, and it shall  
22 not subject the school district to the provisions of article 10  
23 ~~11, or 12~~ OR 11 of title 40, C.R.S. 1973. The miles traveled and  
24 the costs expended under this article shall not be allowable for  
25 the computation of benefits accruing to a school district under  
26 the provisions of article 51 of this title.

27 SECTION 7. Repeal. Article 12 of title 40, Colorado

1 Revised Statutes 1973, as amended by Session Laws of Colorado  
2 1977, is repealed.

3 SECTION 8. Effective date. This act shall take effect July  
4 1, 1978.

5 SECTION 9. Safety clause. The general assembly hereby  
6 finds, determines, and declares that this act is necessary for  
7 the immediate preservation of the public peace, health, and  
8 safety.



COMMITTEE ON TRANSPORTATION AND ENERGY

BILL 18

A BILL FOR AN ACT

1 EXCLUDING FROM REGULATION BY THE PUBLIC UTILITIES COMMISSION  
2 TOWING CARRIERS, CARRIERS TRANSPORTING PASSENGERS IN  
3 SIGHTSEEING SERVICE, AND MOTOR VEHICLES TRANSPORTING SAND  
4 AND GRAVEL OR LOGS AND POLES SOLELY.

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Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Exempts from regulation by the public utilities commission motor vehicles transporting sand and gravel solely or logs and poles solely and carriers when transporting passengers in sightseeing service.

Repeals the article providing for the regulation of towing carriers.

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5 Be it enacted by the General Assembly of the State of Colorado:

6 SECTION 1. 40-10-101 (4) (a), Colorado Revised Statutes  
7 1973, is amended to read:

8 40-10-101. Definitions. (4) (a) "Motor vehicle carrier"  
9 means every person, lessee, trustee, receiver, or trustee  
10 appointed by any court whatsoever owning, controlling, operating,  
11 or managing any motor vehicle used in serving the public in the  
12 business of the transportation of persons or property for

1 compensation as a common carrier over any public highway between  
2 fixed points or over established routes, or otherwise, whether  
3 such business or transportation is engaged in or transacted by  
4 contract, or otherwise; and said "motor vehicle carrier"  
5 specifically includes every person, lessee, trustee, receiver, or  
6 trustee appointed by any court whatsoever owning, controlling,  
7 operating, or managing any motor vehicle used in serving the  
8 public in the business of the transportation of ashes, trash,  
9 waste, rubbish, and garbage to and from disposal sites. THE TERM  
10 "MOTOR VEHICLE CARRIER" SHALL NOT INCLUDE A CARRIER WHEN  
11 TRANSPORTING PASSENGERS IN SIGHTSEEING SERVICE IF SUCH  
12 TRANSPORTATION IS OVER ESTABLISHED SIGHTSEEING ROUTES AND IF SUCH  
13 TRANSPORTATION ORIGINATES AND TERMINATES AT THE SAME LOCATION.

14 SECTION 2. 40-10-104 (1), Colorado Revised Statutes 1973,  
15 is amended to read:

16 40-10-104. Certificate required - exemptions - temporary  
17 certificate. (1) No motor vehicle carrier shall operate any  
18 motor vehicle for the transportation of either persons or  
19 property, or both, upon the public highways of this state in  
20 intrastate commerce without first having obtained from the  
21 commission a certificate declaring that the present or future  
22 public convenience and necessity requires or will require such  
23 operation. This subsection (1) shall not apply to hearses or  
24 ambulances, TO MOTOR VEHICLES TRANSPORTING SAND AND GRAVEL SOLELY  
25 OR LOGS AND WOODEN POLES SOLELY, ~~AND~~ OR to motor vehicles  
26 especially constructed for purposes of repairing and towing  
27 wrecked vehicles and not otherwise used for transporting property

1 but shall apply to motor vehicles used for transporting ashes,  
2 trash, waste, rubbish, and garbage in general service to the  
3 public.

4 SECTION 3. 40-11-101 (3), Colorado Revised Statutes 1973,  
5 is amended to read:

6 40-11-101. Definitions. (3) "Contract carrier by motor  
7 vehicle" means every corporation, person, firm, association of  
8 persons, lessee, trustee, or any receiver or trustee appointed by  
9 any court, other than motor vehicle carriers as defined by  
10 section 40-10-101 (4), owning, controlling, operating, or  
11 managing any motor vehicle in the business of transporting  
12 persons or property of others or of transporting ashes, trash,  
13 waste, rubbish, and garbage to and from disposal sites, for  
14 compensation or hire, over any public highway of this state  
15 between fixed points or over established routes, or otherwise, by  
16 special contract or otherwise. THE TERM "CONTRACT CARRIER BY  
17 MOTOR VEHICLE" SHALL NOT INCLUDE A CARRIER WHEN TRANSPORTING  
18 PASSENGERS IN SIGHTSEEING SERVICE IF SUCH TRANSPORTATION IS OVER  
19 ESTABLISHED SIGHTSEEING ROUTES AND IF SUCH TRANSPORTATION  
20 ORIGINATES AND TERMINATES AT THE SAME LOCATION.

21 SECTION 4. 40-11-102, Colorado Revised Statutes 1973, is  
22 amended to read:

23 40-11-102. Compliance required - exceptions. (1) No person  
24 shall operate any motor vehicle for the transportation of persons  
25 or property for compensation on or over any public highway in  
26 this state, except in accordance with the provisions of this  
27 article or of article 10 of this title.

1           (2) Nothing in this article shall apply to ANY MOTOR  
2 VEHICLE CARRIER AS DEFINED BY SECTION 40-10-101, NOR TO a private  
3 individual who carries a neighbor or a friend on a trip, nor to  
4 motor vehicles especially constructed for towing, wrecking, and  
5 repairing and not otherwise used in transporting property, nor to  
6 hearses or ambulances, NOR TO MOTOR VEHICLES TRANSPORTING SAND  
7 AND GRAVEL SOLELY OR LOGS AND WOODEN POLES SOLELY; but this  
8 article shall apply to motor vehicles used for transporting  
9 ashes, trash, waste, rubbish, and garbage.

10           SECTION 5. 40-11-103 (3), Colorado Revised Statutes 1973,  
11 is amended to read:

12           40-11-103. Obtain permit from commission. (3) This  
13 ~~article shall not apply to any motor vehicle carrier as defined~~  
14 ~~by section 40-10-101, nor shall anything~~ NOTHING contained in  
15 this article SHALL be construed or applied so as to compel a  
16 contract carrier by motor vehicle to be or become a common  
17 carrier or to subject such contract carrier by motor vehicle to  
18 the laws or liability applicable to a common carrier.

19           SECTION 6. Repeal. Article 13 of title 40, Colorado  
20 Revised Statutes 1973, as amended by Session Laws of Colorado  
21 1977, is repealed.

22           SECTION 7. Effective date. This act shall take effect July  
23 1, 1978.

24           SECTION 8. Safety clause. The general assembly hereby  
25 finds, determines, and declares that this act is necessary for  
26 the immediate preservation of the public peace, health, and  
27 safety.

COMMITTEE ON TRANSPORTATION AND ENERGY

BILL 19

A BILL FOR AN ACT

1 AUTHORIZING THE PUBLIC UTILITIES COMMISSION TO IMPOSE A CIVIL  
2 PENALTY UPON TRANSPORTATION CARRIERS FOR VIOLATIONS.

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Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Authorizes the public utilities commission to impose a civil penalty upon transportation carriers for violations in addition to or in the alternative to suspension, revocation, alteration, or amendment of a certificate of public convenience and necessity, a permit, or a registration.

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3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 40-10-112, Colorado Revised Statutes 1973, is  
5 amended to read:

6 40-10-112. Commission may revoke certificate or impose  
7 civil penalty. (1) The commission, at any time, by order duly  
8 entered, after hearing upon notice to the holder of any  
9 certificate of public convenience and necessity or any  
10 registration by a motor vehicle carrier having registered under  
11 the provisions of section 40-10-120 and when it is established to  
12 the satisfaction of the commission that such holder has violated  
13 any of the provisions of this article or violated or refused to

1 observe any of the proper orders, rules, or regulations of the  
2 commission, may suspend, revoke, alter, or amend any such  
3 certificate or registration issued under the provisions of this  
4 article, but the holder of such certificate or registration shall  
5 have all the rights of hearing, review, and appeal as to such  
6 order or ruling of the commission as are now provided by articles  
7 1 to 7 of this title. No appeal from or review of any order or  
8 ruling of the commission shall be construed to supersede or  
9 suspend such order or rulings RULING unless upon order of the  
10 proper court.

11 (2) IN LIEU OF THE SUSPENSION, REVOCATION, ALTERATION, OR  
12 AMENDMENT OF A CERTIFICATE OR REGISTRATION, THE COMMISSION MAY,  
13 IN ITS DISCRETION, PROVIDE THAT THE HOLDER MAY ELECT TO PAY A SUM  
14 CERTAIN AS A CIVIL PENALTY, NOT TO EXCEED FIVE THOUSAND DOLLARS  
15 PER DAY OF NONCOMPLIANCE, AND, IF THE HOLDER ELECTS TO AND DOES  
16 PAY THE SUM CERTAIN, THE SUSPENSION, REVOCATION, ALTERATION, OR  
17 AMENDMENT SHALL NOT BECOME EFFECTIVE. THE IMPOSITION OF A CIVIL  
18 PENALTY SHALL BE IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN  
19 SUBSECTION (1) OF THIS SECTION.

20 (3) THE COMMISSION SHALL ADOPT SUCH RULES AND REGULATIONS  
21 AS ARE NECESSARY FOR THE IMPOSITION OF CIVIL PENALTIES TO PREVENT  
22 ANY UNJUST DISCRIMINATION. SUCH RULES SHALL INCLUDE, AMONG OTHER  
23 PROVISIONS, CLASSIFICATIONS OF VIOLATIONS, ACCORDING TO THE  
24 NATURE OF THE VIOLATION, TO WHICH A CIVIL PENALTY MAY OR MAY NOT  
25 BE APPLIED.

26 (4) ALL RECEIPTS FROM CIVIL PENALTIES COLLECTED UNDER  
27 SUBSECTION (2) OF THIS SECTION SHALL BE REMITTED TO THE STATE

1     TREASURER FOR CREDIT TO THE PUBLIC UTILITIES COMMISSION MOTOR  
2     CARRIER FUND.

3             SECTION 2. 40-11-110, Colorado Revised Statutes 1973, is  
4     amended to read:

5             40-11-110. Commission may revoke permit or impose civil  
6     penalty. (1) The commission, at any time, upon complaint by any  
7     interested party or upon its own motion, by order duly entered,  
8     after hearing upon notice to the holder of any permit or any  
9     registration by a contract carrier by motor vehicle having  
10    registered under the provisions of section 40-11-115, issued  
11    under this article, and when it has been established to the  
12    satisfaction of the commission that such holder has violated any  
13    of the provisions of this article or any of the terms and  
14    conditions of his permit or registration, or has exceeded the  
15    authority granted by such permit or registration, or has violated  
16    or refused to observe any of the proper orders, rules, or  
17    regulations of the commission, may revoke, suspend, alter, or  
18    amend any permit or registration issued under this article; and  
19    the holder of such permit or registration shall have all of the  
20    rights of hearing, review, and appeal as to such order or ruling  
21    of the commission as are now provided by articles 1 to 7 of this  
22    title. No appeal from or review of any order or ruling of the  
23    commission shall be construed so as to supersede or suspend such  
24    order or ruling except upon order of a proper court obtained for  
25    such purpose.

26             (2) IN LIEU OF THE REVOCATION, SUSPENSION, ALTERATION, OR  
27     AMENDMENT OF A PERMIT OR REGISTRATION, THE COMMISSION MAY, IN ITS

1 DISCRETION, PROVIDE THAT THE HOLDER MAY ELECT TO PAY A SUM  
2 CERTAIN AS A CIVIL PENALTY, NOT TO EXCEED FIVE THOUSAND DOLLARS  
3 PER DAY OF NONCOMPLIANCE, AND, IF THE HOLDER ELECTS TO AND DOES  
4 PAY THE SUM CERTAIN, THE REVOCATION, SUSPENSION, ALTERATION, OR  
5 AMENDMENT SHALL NOT BECOME EFFECTIVE. THE IMPOSITION OF A CIVIL  
6 PENALTY SHALL BE IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN  
7 SUBSECTION (1) OF THIS SECTION.

8 (3) THE COMMISSION SHALL ADOPT SUCH RULES AND REGULATIONS  
9 AS ARE NECESSARY FOR THE IMPOSITION OF CIVIL PENALTIES TO PREVENT  
10 ANY UNJUST DISCRIMINATION. SUCH RULES SHALL INCLUDE, AMONG OTHER  
11 PROVISIONS, CLASSIFICATIONS OF VIOLATIONS, ACCORDING TO THE  
12 NATURE OF THE VIOLATION, TO WHICH A CIVIL PENALTY MAY OR MAY NOT  
13 BE APPLIED.

14 (4) ALL RECEIPTS FROM CIVIL PENALTIES COLLECTED UNDER  
15 SUBSECTION (2) OF THIS SECTION SHALL BE REMITTED TO THE STATE  
16 TREASURER FOR CREDIT TO THE PUBLIC UTILITIES COMMISSION MOTOR  
17 CARRIER FUND.

18 SECTION 3. 40-12-107, Colorado Revised Statutes 1973, is  
19 amended to read:

20 40-12-107. Suspension or revocation of permit - civil  
21 penalty - procedure. (1) The commission, at any time, upon  
22 complaint by any interested party or upon its own motion, by  
23 order duly entered, after hearing upon notice to the holder of  
24 any permit issued under this article and when it has been  
25 established to the satisfaction of the commission that such  
26 holder has violated any of the provisions of this article or any  
27 of the terms and conditions of his permit, or has exceeded the



1 authority granted by such permit, or has violated or refused to  
2 observe any of the proper orders, rules, or regulations of the  
3 commission, may revoke, suspend, alter, or amend any such permit  
4 if the holder of such permit has all the rights of hearing,  
5 review, and appeal as to such order or ruling of the commission  
6 as are now provided by law. No appeal from or review of any  
7 order or ruling of the commission shall be construed so as to  
8 supersede or suspend such order or ruling, except upon order of a  
9 proper court obtained for such purpose.

10 (2) IN LIEU OF THE REVOCATION, SUSPENSION, ALTERATION, OR  
11 AMENDMENT OF A PERMIT, THE COMMISSION MAY, IN ITS DISCRETION,  
12 PROVIDE THAT THE HOLDER MAY ELECT TO PAY A SUM CERTAIN AS A CIVIL  
13 PENALTY, NOT TO EXCEED FIVE THOUSAND DOLLARS PER DAY OF  
14 NONCOMPLIANCE, AND, IF THE HOLDER ELECTS TO AND DOES PAY THE SUM  
15 CERTAIN, THE REVOCATION, SUSPENSION, ALTERATION, OR AMENDMENT  
16 SHALL NOT BECOME EFFECTIVE. THE IMPOSITION OF A CIVIL PENALTY  
17 SHALL BE IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN  
18 SUBSECTION (1) OF THIS SECTION.

19 (3) THE COMMISSION SHALL ADOPT SUCH RULES AND REGULATIONS  
20 AS ARE NECESSARY FOR THE IMPOSITION OF CIVIL PENALTIES TO PREVENT  
21 ANY UNJUST DISCRIMINATION. SUCH RULES SHALL INCLUDE, AMONG OTHER  
22 PROVISIONS, CLASSIFICATIONS OF VIOLATIONS, ACCORDING TO THE  
23 NATURE OF THE VIOLATION, TO WHICH A CIVIL PENALTY MAY OR MAY NOT  
24 BE APPLIED.

25 (4) ALL RECEIPTS FROM CIVIL PENALTIES COLLECTED UNDER  
26 SUBSECTION (2) OF THIS SECTION SHALL BE REMITTED TO THE STATE  
27 TREASURER FOR CREDIT TO THE PUBLIC UTILITIES COMMISSION MOTOR

1 CARRIER FUND.

2 SECTION 4. 40-13-109, Colorado Revised Statutes 1973, is  
3 amended to read:

4 40-13-109. Suspension or revocation of permit - civil  
5 penalty - procedure. (1) The commission, at any time, upon  
6 complaint by any interested party, or upon its own motion, by  
7 order duly entered, after hearing upon notice to the holder of  
8 any permit issued under this article, when it has been  
9 established to the satisfaction of the commission that such  
10 holder has violated any of the provisions hereof OF THIS ARTICLE  
11 or any of the terms and conditions of such permit, or has  
12 exceeded the authority granted by such permit, or has violated or  
13 refused to observe any of the proper orders, rules, or  
14 regulations of the commission, may revoke, suspend, alter, or  
15 amend any such permit. The holder of such permit shall have all  
16 the rights of hearing, review, and appeal as to such order or  
17 ruling of the commission as are provided by law. No appeal from  
18 or review of any order or ruling of the commission shall be  
19 construed so as to supersede or suspend such order or ruling,  
20 except upon order of a proper court obtained for such purpose.

21 (2) IN LIEU OF THE REVOCATION, SUSPENSION, ALTERATION, OR  
22 AMENDMENT OF A PERMIT, THE COMMISSION MAY, IN ITS DISCRETION,  
23 PROVIDE THAT THE HOLDER MAY ELECT TO PAY A SUM CERTAIN AS A CIVIL  
24 PENALTY, NOT TO EXCEED FIVE THOUSAND DOLLARS PER DAY OF  
25 NONCOMPLIANCE, AND, IF THE HOLDER ELECTS TO AND DOES PAY THE SUM  
26 CERTAIN, THE REVOCATION, SUSPENSION, ALTERATION, OR AMENDMENT  
27 SHALL NOT BECOME EFFECTIVE. THE IMPOSITION OF A CIVIL PENALTY

1 SHALL BE IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN  
2 SUBSECTION (1) OF THIS SECTION.

3 (3) THE COMMISSION SHALL ADOPT SUCH RULES AND REGULATIONS  
4 AS ARE NECESSARY FOR THE IMPOSITION OF CIVIL PENALTIES TO PREVENT  
5 ANY UNJUST DISCRIMINATION. SUCH RULES SHALL INCLUDE, AMONG OTHER  
6 PROVISIONS, CLASSIFICATIONS OF VIOLATIONS, ACCORDING TO THE  
7 NATURE OF THE VIOLATION, TO WHICH A CIVIL PENALTY MAY OR MAY NOT  
8 BE APPLIED.

9 (4) ALL RECEIPTS FROM CIVIL PENALTIES COLLECTED UNDER  
10 SUBSECTION (2) OF THIS SECTION SHALL BE REMITTED TO THE STATE  
11 TREASURER FOR CREDIT TO THE PUBLIC UTILITIES COMMISSION MOTOR  
12 CARRIER FUND.

13 SECTION 5. Effective date - applicability. This act shall  
14 take effect July 1, 1978, and shall apply to acts occurring on or  
15 after said date.

16 SECTION 6. Safety clause. The general assembly hereby  
17 finds, determines, and declares that this act is necessary for  
18 the immediate preservation of the public peace, health, and  
19 safety.

COMMITTEE ON TRANSPORTATION AND ENERGY

BILL 20

A BILL FOR AN ACT

1 APPLYING THE DOCTRINE OF REGULATED COMPETITION TO PASSENGER  
2 TRANSPORTATION BY TAXICAB.

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Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides that the regulation of the transportation of passengers by taxicab by the public utilities commission shall employ the doctrine of regulated competition.

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3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 40-10-105 (2), Colorado Revised Statutes 1973,  
5 is amended to read:

6 40-10-105. Rules for issuance. (2) The granting of any  
7 certificate of public convenience and necessity to operate a  
8 motor vehicle for hire for the transportation of property OR TO  
9 OPERATE A TAXICAB FOR HIRE FOR THE TRANSPORTATION OF PASSENGERS  
10 shall not be deemed to be an exclusive grant or monopoly, and the  
11 doctrine of regulated competition shall prevail. The commission  
12 has authority to grant more than one certificate of public  
13 convenience and necessity to operate motor vehicles for the  
14 transportation of property OR TO OPERATE TAXICABS FOR THE

1 TRANSPORTATION OF PASSENGERS over the same route or a part  
2 thereof or within the same territory or a part thereof if the  
3 commission finds that the present or future public convenience  
4 and necessity requires or will require such operation.

5 SECTION 2. Effective date. This act shall take effect July  
6 1, 1978.

7 SECTION 3. Safety clause. The general assembly hereby  
8 finds, determines, and declares that this act is necessary for  
9 the immediate preservation of the public peace, health, and  
10 safety.

COMMITTEE ON TRANSPORTATION AND ENERGY

BILL 21

A JOINT RESOLUTION ENCOURAGING THE  
AIR POLLUTION CONTROL COMMISSION  
TO STUDY AIRBORNE PARTICULATE MATTER

1           WHEREAS, The harmful effects of airborne particulate matter  
2 have been observed and documented for centuries and include  
3 visibility restriction, soiling, and, most important, the  
4 impairment of human health; and

5           WHEREAS, The nature of particulate matter, both chemical and  
6 physical, is not thoroughly understood, as illustrated by the air  
7 quality standards for suspended particulate matter promulgated by  
8 the U.S. Environmental Protection Agency, which express and  
9 measure particulates as total mass in a given volume of air; and

10          WHEREAS, A thorough study of airborne particulate matter by  
11 the Colorado Air Pollution Control Commission is necessary, and  
12 such a study and the results therefrom are a matter of statewide  
13 concern; now, therefore,

14          Be It Resolved by the \_\_\_\_\_ of the Fifty-first General  
15 Assembly of the State of Colorado, the \_\_\_\_\_ concurring  
16 herein:

17          (1) That the Colorado Air Pollution Control Commission is  
18 hereby encouraged to implement a study of airborne particulate  
19 matter to identify, among other factors, the particulate  
20 classifications, the effects of particulates, and the source  
21 contributors of particulates, including those naturally

1 occurring.

2 (2) That actual field testing of different types of  
3 monitoring equipment be initiated to determine the economic and  
4 technical feasibility of the use of such equipment.

5 (3) That the commission develop and recommend ambient air  
6 and emission standards, as may be necessary, based upon its study  
7 and monitoring of airborne particulate matter for consideration  
8 by the appropriate committee of the general assembly prior to  
9 their adoption.

10 (4) That the commission make periodic reports of its  
11 findings and recommendations to the Second Regular Session of the  
12 Fifty-first General Assembly and to the First Regular Session of  
13 the Fifty-second General Assembly.