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SERVICE DATE- NOVEMBER 27, 1996

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB No. MC-F-20902]

Colorado Mountain Express, Inc., and Airport Shuttle  
Colorado, Inc., d/b/a Aspen Limousine Service, Inc.--  
Consolidation and Merger--Colorado Mountain Express

AGENCY: Surface Transportation Board.

ACTION: Notice Tentatively Approving Finance Application.

SUMMARY: Colorado Mountain Express, Inc. (Express), of  
Avon, CO, and Airport Shuttle Colorado, Inc., d/b/a Aspen  
Limousine Service, Inc., and/or d/b/a Vans to Vail  
(Shuttle), of Glenwood Springs, CO (collectively,  
applicants), have applied for authority under 49 U.S.C.  
14303(a)(1) to consolidate or merge into Colorado Mountain  
Express (CME), a Colorado general partnership to be formed  
for this purpose once the transaction is approved. The  
transaction was approved on an interim basis under 49 U.S.C.  
14303(i), and we are now tentatively granting permanent  
approval. Persons wishing to oppose the transaction must  
follow the rules at 49 CFR part 1182, Subpart B. If no  
opposing comments are timely filed, this tentative grant of  
authority will become effective automatically at the close  
of the comment period and will be the final Board action.

If opposing comments are timely filed, this tentative grant of authority will be deemed vacated, and the Board will consider the comments and any replies, and issue a further decision on the application.

DATES: Unless opposing comments are filed, this notice will be effective on January 13, 1997. Comments are due by January 13, 1997, and, if comments are filed, replies are due by January 28, 1997.

ADDRESSES: Send an original and 10 copies of any comments referring to STB No. MC-F-20902 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Ave., N.W., Washington, DC 20423. Also, send one copy of comments to applicants' representatives: (1) Thomas J. Burke, 1625 Broadway, Denver, CO 80202; and (2) Mark W. Williams, 1433 Seventeenth St., Denver, CO 80202.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Express (MC-169174) and Shuttle (MC-174322),<sup>1/</sup> both motor carriers of passengers, primarily

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<sup>1/</sup> Although not involved in this transaction, New Orleans Tours, Inc. (MC-160781), a motor passenger carrier engaged in charter and special operations, is affiliated with Shuttle.

operate between Denver, CO, and various Colorado ski resorts. They hold similar interstate and intrastate operating rights authorizing: (a) charter and special operations within Colorado; and (b) regular route service mostly between Denver and such points as Aspen, Avon, Beaver Creek, Glenwood Springs, Grand Junction, and Rifle, CO.

Applicants state that their combined, aggregate gross operating revenues exceed the \$2 million jurisdictional threshold of 49 U.S.C. 14303(g). Claiming that losses are being incurred in their respective operations, Express and Shuttle seek to consolidate their separate properties, operations, and employees into CME. They assert that the consolidated entity will be more efficient and profitable and will provide more effective and economical service to the public.

Applicants certify that: (1) Shuttle received a conditional safety rating from the U.S. Department of Transportation on October 7, 1996; Express has not received a safety rating recently; (2) they have sufficient insurance to cover the services they intend to offer; (3) no party to the transaction is either domiciled in Mexico or owned or controlled by persons of that country; and

(4) approval of the transaction will not significantly affect either the quality of the human environment or the conservation of energy resources. Additional information may be obtained from applicants' representatives.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction that we find consistent with the public interest, taking into consideration at least: (1) the effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees. We find, based on the application, that the proposed transaction is consistent with the public interest and should be authorized.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed consolidation and merger are approved and authorized, subject to the filing of opposing comments.

2. This notice will be effective on January 13, 1997, but will be deemed vacated if opposing comments are filed on or before that date.

STB No. MC-F-20902

Decided: November 25, 1996

By the Board, Chairman Morgan, Vice Chairman Simmons  
and Commissioner Owen.

Vernon A. Williams

Secretary