

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0911-AV-88-T

RE: APPLICATION OF KHADAM H. CHAUDHRY TO OPERATE FOUR (4) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM BLOOMFIELD, EAST HARTFORD, EAST WINDSOR, ENFIELD, FARMINGTON, GRANBY, HARTFORD, MANCHESTER, NEWINGTON, ROCKY HILL, SIMSBURY, SOUTH WINDSOR, VERNON, WEST HARTFORD, WETHERSFIELD AND WINDSOR TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

April 27, 2010

## I. INTRODUCTION

### A. Applicant's Proposal

By application filed on November 24, 2009, with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Khadim H. Chaudhry (hereinafter "applicant"), seeks authorization to operate four (4) additional motor vehicles in taxicab service within and to and from Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford and Windsor to all points in Connecticut.

### B. Hearing Held

Pursuant to Section 13b-97(a) of the Connecticut General Statutes, as amended, a public hearing on this application was held at the administrative offices of the Department in Newington, Connecticut on April 6, 2010.

Notice of the application and of the hearing to be held thereon was given to the applicant and to such other parties as required by Section 13b-97(a) of the Connecticut General Statutes, as amended. Notice to the public was given by publication in the Departments web site.

The hearing on this matter was conducted by a hearing officer, designated by the Commissioner of Transportation, pursuant to Connecticut General Statutes Section 13b-17.

### C. Appearances

Khadim H. Chaudhry appeared pro se on behalf of the applicant. The applicant's address is 700 Dart Hill Road, Vernon, Connecticut 06066.

Michael Olchafskie appeared on behalf of Ace Taxi Service, Inc. d.b.a. Ace Taxi and East Hartford Cab Company, Inc. d.b.a. Ace Taxi which received intervenor status in the hearing. The two companies were represented by Mary Alice Moore Leonhardt who has a mailing address of 67 Russ Street, Hartford, Connecticut 06106.

Edward Mcghie appeared on behalf of United Cab Company, Inc. United was granted intervenor status in this matter. United was represented by Mary Alice Moore Leonhardt who has a mailing address of 67 Russ Street, Hartford, Connecticut 06106.

Sheldon Lubin, a Department staff member, appeared at the hearing.

II. FINDINGS OF FACT

1. The applicant currently operates one (1) taxicab in the former Greater Hartford Transit District which includes the towns of Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield and Windsor. The applicant purchased this taxicab certificate in 2006.

2. The applicant seeks to expand its fleet by adding an additional four (4) taxicabs.

3. The applicant was granted one (1) additional taxicab plate by the Department in 2008 in error under the expedited application process. If an operator has a contract at Bradley International Airport to provide taxicab service from the queue line, the operator cannot use the expedited application process to gain additional vehicles. At the time of the application, the applicant had a contract with Bradley International Airport. Once the mistake was realized, the applicant returned the license plate to the Department.

4. The applicant farms out excess requests for taxicab transportation to two taxi drivers who work for United Cab and Ace Taxi.

5. The applicant refers three to five calls per car per day.

6. If the application is granted, the applicant will place one taxicab in Manchester, two taxicabs in Hartford and one taxicab in Windsor.

7. The applicant has been driving a taxicab on and off since 1994.

8. The applicant anticipates \$75,000 income in the first six months from all of the taxicabs.

9. The vehicles the applicant owns are fairly old with high mileage: 2002 Lincoln Town car has 200,000 miles, 2001 Audi has 90,000 miles. The applicant also owns a 2002 Audi and a 2000 Ford Ranger.

10. The applicant did not present any public witnesses to support its position.

11. As of April 6, 2010, the applicant had access to half of the money in a joint savings account with \$20,793.

12. As of April 5, 2010, the applicant had \$8,347 in a Peoples bank account.

13. The applicant owns vehicles worth \$35,300 and his equity share in real estate is \$120,000.

14. Auto insurance will cost \$3,346 per vehicle.

### III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over common carriers, which includes each person, association, limited liability company or corporation owning or operating a taxicab in the State of Connecticut in accordance with Connecticut General Statutes Section 13b-96, as amended. The Department is authorized to prescribe regulations with respect to fares, service, operation and equipment, as it deems necessary for the convenience, protection and safety of the passengers and the public.

Pursuant to Section 13b-97(a), as amended, any person who applies for authority to operate a taxicab shall obtain from the Department a certificate of public convenience and necessity certifying that the public's convenience and necessity requires the operation of a taxicab or taxicabs for the transportation of passengers. No certificate shall be issued unless the Department finds that the person is suitable to operate a taxicab service. In so doing, the department must take into consideration any convictions of the applicant under federal, state or local laws relative to safety, motor vehicle or criminal violations, the number of taxicabs to be operated under the certificate, the adequacy of the applicant's financial resources to operate the service, the adequacy of insurance coverage and safety equipment and the availability of qualified operators.

With regard to the drivers, that the applicant will be using, the applicant produced two witnesses who intend to drive for the applicant if he receives authority. Both drivers are currently driving for another taxicab company at this time. One individual drives for Ace Taxi and one for United Cab. The applicant did not produce evidence of other drivers that he may work with.

In support of financial wherewithal to operate the proposed service, the applicant presented evidence that he has access to a joint savings amount totaling \$20,793. Although the applicant submitted a notarized statement from his wife allowing him access to her money in the account, this letter was not received until after the hearing and will not be considered. The applicant also has a checking account worth \$8,347. The applicant has equity in his residence which totals \$120,000. Based on the evidence presented the applicant has the financial ability to operate the proposed additional service.

Regarding the applicant's suitability, the applicant submitted a criminal record check that revealed no convictions. The applicant has been in business since 2006 and has no citation actions against it. The intervenors in this matter tried to make much of the fact that the applicant had applied for an additional taxicab plate under the expedited application process and had received one in error. The Department had made a mistake in approving the application since the applicant had a contract to operate at Bradley International Airport and pursuant to the Regulations of Connecticut State Agencies Section 13b-96-8, the applicant should have been denied. Since the plate being issued was due to the Department's error, it will not be held against the applicant's suitability.

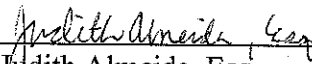
To receive a grant of authority, the applicant has the burden of proving that public convenience and necessity requires the grant of taxicab authority. In addition to the two drivers the applicant produced, the applicant did not produce any public witnesses to testify about the need for additional taxicab service. One of the drivers testified that he could perform more trips than he does now which does not indicate a need for additional taxicab authority. Whether the applicant needs additional authority does not have any bearing on public convenience and necessity if the public is being taken care of by another company. As there was no evidence produced that the Greater Hartford area needs additional taxicab service, this application must be denied.

IV. CONCLUSION AND ORDER

Based in the above, the application standing in the name of Khadim H. Chaudhry is hereby denied.

Dated at Newington, Connecticut, on this 27th day of April, 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

  
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Judith Almeida, Esq.  
Staff Attorney III  
Administrative Law Unit  
Bureau of Finance and Administration