STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

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DOCKET NO. 1012-N-110-T

RE: APPLICATION OF ST TAXI SERVICE LLC. D.B.A. ST TAXI SERVICE TO OPERATE TWO (2) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM BETHEL, DANBURY, NEW FAIRFIELD, NEW MILFORD AND RIDGEFIELD TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

July 6, 2011

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I. INTRODUCTION

A. Applicant's Proposal

By application filed on December 9, 2010, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, ST Taxi Service, LLC d.b.a. ST Taxi Service (hereinafter "applicant"), seeks authorization to operate two (2) motor vehicles in taxicab service, within and to and from Bethel, Danbury, New Fairfield, New Milford and Ridgefield.

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 June 16, 2011.

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 on the department's website.

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

Segundo Tacuri appeared pro se on behalf of the applicant. The applicant's mailing address is 168 South Street, Danbury, Connecticut 06810.

Manuel Bataguas, a translator with the Department of Motor Vehicles, was retained by the applicant to translate for him at the hearing.

William Morris appeared pro se on behalf of A Cab Company, Inc. DBA A Cab Company and received intervenor status in this matter. His mailing address is 36 Tamarack Avenue, Box 211, Danbury, Connecticut 06811.

Paulo Miranda, manager of Maffei's Taxicab Service, appeared pro se on behalf of that company and received intervenor status. His mailing address is 36 Tamarack Avenue, Suite 282, Danbury, Connecticut 06811.

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

II. FINDINGS OF FACT

1. The applicant worked as a taxicab driver in New York from 2004 to 2006. The applicant is currently employed as a chef in an Italian restaurant.

2. The applicant seeks to operate his own taxicab company with two vehicles in Bethel, New Fairfield, Danbury, New Milford and Ridgefield.

3. The applicant has assets of $33,129 in the bank and cash of $3,000.

4. The expenses to operate the business are fuel of $700 a month, repairs of $100 per vehicle per month, annual property tax for the two vehicles of $405 and insurance cost of $12,734 annually.

5. The applicant will operate a 2002 Mitsubishi Lancer which has a fair market value of $4,215. There is no outstanding loan on this vehicle. The other vehicle the applicant will use is a 2010 Toyota Camry with a fair market value of $17,885. The outstanding loan is $17,044 on this vehicle.

6. The area the applicant seeks to operate may be too wide spread for only two vehicles to handle.

7. The applicant's son will be driving the second taxicab but they may have to look for other drivers to fill all of the shifts.

8. Two regular users of taxicab service in Danbury testified that there is not a need for additional taxicabs because there is not much of a waiting time.

9. Maffei's Taxi Service has authority to operate seven taxicab certificates in Danbury, Bethel and Ridgefield. At the current time only five vehicles are being operated.

10. A Cab Company has authority for seven taxicabs vehicles in Danbury. At the current time only six vehicles are being operated.

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 the applicant will be using, the applicant testified that he and his son will be driving the two taxicabs. With the two vehicles in twenty-four operation, there needs to be several other drivers to handle all three shifts.

With regard to suitability, the applicant submitted an up to date criminal record check for Mr. Tacuri that showed no criminal violations. The applicant has past experience in as a taxicab driver and he has a familiarity with how taxicabs are operated. Since the rules and regulations differ in Connecticut from New York, where the applicant used to operate, the applicant should make sure he understands the taxicab rules in Connecticut. Based on the evidence presented, the applicant is suitable to operate the proposed company.

In support of financial wherewithal to operate the proposed service, the applicant presented evidence that it has cash of $33,129 in the bank and $3,000 on hand. The applicant will operate a 2002 Mitsubishi Lancer which has a fair market value of $4,215. There is no outstanding loan on this vehicle. The other vehicle the applicant will use is a 2010 Toyota Camry with a fair market value of $17,885. The outstanding loan is $17,044 on this vehicle. The expenses to operate the business are fuel of $700 a month, repairs of $100 per vehicle per month, annual property tax for the two vehicles of $405 and insurance of $12,734 annually. Based on the information presented, the applicant has the financial suitability to operate two vehicles.

The applicant was opposed by two intervening companies, A Cab Company, Inc. DBA A Cab Company which was granted intervenor status in Danbury and Maffei's Taxi Service which was granted intervenor status in Danbury, Bethel and Ridgefield. These companies testified that they are not using their full fleet of taxicabs and the addition of other taxicabs to the market would be detrimental to their business.

To receive a grant of authority, the applicant has the burden of proving that public convenience and necessity requires the grant of taxicab authority. The applicant failed to show that there was a need for taxicab service in Danbury, Bethel and Ridgefield. In addition, the opposition presented two witnesses who have not had difficulty getting taxicabs in Danbury. Since the applicant failed to produce evidence that there is a need in Danbury, Bethel and Ridgefield, the applicant will not be granted authorization in these towns.

However, since there are no taxicab providers in either New Fairfield or New Milford, the applicant will be given the opportunity to operate in those two towns with one (1) vehicle. The applicant did not have other drivers lined up for the business except his son who will also do the driving. It is questionable whether the applicant can retain enough drivers to operate both cars on a twenty-four hour basis and whether there is enough work for two vehicles in these two towns so the applicant will only be granted one vehicle.

IV. CONCLUSION

Based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of ST Taxi Service, LLC d.b.a. ST Taxi Service is hereby granted in part and issued as follows:

TAXICAB CERTIFICATE NO. 1222
FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE

ST Taxi Service, LLC d.b.a. ST Taxi Service is hereby permitted and authorized to operate one (1) motor vehicle in taxicab service within and to and from New Milford and New Fairfield to all points in Connecticut.

Restrictions:

A vehicle must be registered by the applicant within (30) days from the date of this decision.

This certificate may not be sold or transferred until it has been operational, i.e. a vehicle registered with a taxi plate there under, for not less than twenty-four (24) consecutive months. This certificate is transferable only with the approval of the department.

This certificate shall remain in effect until it is amended, suspended or revoked by the department. Failure of the certificate holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other state statutes and/or the rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke this certificate.

This certificate is transferable only with the approval of the department and is issued subject to compliance by the holder hereof with all motor vehicle laws of the state of Connecticut, and with such rules, regulations and orders as this department may from time to time prescribe.

Dated at Newington, Connecticut, on this 6th day of July 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

Judith Almeida, Esq.

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Staff Attorney III
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