

File



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NO. 0706-N-91-T

RE: APPLICATION OF AMR ZEINELDIN D.B.A. CT AIRPORT CAB TO
OPERATE ONE (1) MOTOR VEHICLE IN TAXICAB SERVICE
WITHIN AND TO AND FROM EAST GRANBY, EAST WINDSOR,
WINDSOR AND WINDSOR LOCKS TO ALL POINTS IN
CONNECTICUT.

FINAL DECISION

July 7, 2008

2051

I. INTRODUCTION

A. Applicant's Proposal

By application filed on June 28, 2007, with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, AMR Zeineldin d.b.a. CT Airport Cab (hereinafter "applicant"), seeks authorization to operate one (1) motor vehicle in taxicab service, within and to and from, East Granby, East Windsor, Windsor and Windsor Locks.

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 February 28, 2008 and June 5, 2008.

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. Legal notice to the public was given by publication in the Hartford Courant, a newspaper having a circulation in the area of concern.

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

AMR Zeineldin appeared on behalf of the applicant. The applicant was represented by Alan Berman, Esq. with a mailing address of 111 Roberts Street, Suite G-1, East Hartford, Connecticut 06108. The applicant was also represented by Matthew Forrest, Esq. with mailing address of 25 Spring Street, Wethersfield, Connecticut 06109.

Mary Alice Moore Leonhardt, Esq. represented three taxicab operators who were granted intervenor status. Her mailing address is 67 Russ Street, 3rd Floor, Hartford, Connecticut 06106. The intervenors are:

1. AA Cab, LLC-Certificate 1188-granted intervenor status-operates one vehicle in Windsor Locks.
2. Shafqat A. Kahn d.b.a. Prime Cab, LLC-Certificate 1190-granted intervenor status-operates one vehicle in Windsor Locks.
3. Edward Mcghie d.b.a. United Cab Co.-Certificate 1078-granted intervenor status-operates eight vehicles in Windsor and two vehicles in East Granby.

4. Rana Cab Company, Inc. was originally granted intervenor status which was later revoked due to its failure to appear at the hearing on June 5, 2008.

Marco Henry appeared pro se on behalf of Yellow Cab Company d.b.a Yellow Cab which was granted intervenor status with respect to East Windsor, Windsor and Windsor Locks. Yellow Cab operates sixty-four vehicles in Windsor Locks, Windsor and East Windsor. The mailing address is 86 Granby Street, Bloomfield, CT 06002.

Sean LaChapelle appeared pro se on behalf of Metro Taxi Company, Inc. d.b.a. Yellow Cab which was granted intervenor status with respect to East Windsor and Windsor. Metro Taxi operates seven vehicles in East Windsor and Windsor. The mailing address is 86 Granby Street, Bloomfield, CT 06002.

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

D. Administrative Notice

Administrative Notice was taken of the following companies to the extent that they operate taxicabs in the territory requested in this application:

1. AA Cab, LLC-Certificate 1188-operates one vehicle in Windsor Locks.
2. Shafqat A. Kahn d.b.a. Prime Cab, LLC-Certificate 1190-operates one vehicle in Windsor Locks.
3. Edward Mcghie d.b.a. United Cab Co.-Certificate 1078-operates eight vehicles in Windsor and two motor vehicles in East Granby.
4. Eagle's Taxi, LLC-Certificate 1177-operates one vehicle in East Windsor and Windsor.
5. Avery Cab, LLC-Certificate Number 1179 operates two vehicles in East Windsor and Windsor.
6. Manchester Cab, LLC-Certificate Number 1181 operates one vehicle in East Windsor and Windsor.
7. Airports Carrier Cab, LLC-Certificate Number 1187-operates one vehicle in Windsor Locks.
8. Aqdas Mahmood d.b.a. A-Checker Cab Company-Certificate Number 1192-operates one vehicle in Windsor Locks
9. Youssef Abelaziz d.b.a. Enfield Taxi-Certificate Number 1090-operates two taxicabs in East Windsor and one taxicab in Windsor.

Administrative Notice was also requested but will not be taken for Active Taxi, LLC-Certificate Number 1180 and Muhammed Kahn d.b.a. AM Cab-Certificate Number 1189 neither of which have any authorized territory in common with the application. Rana Cab Company, Inc.-Certificate 1191-operates one vehicle in Hartford according to Department records. The authorized territory of Rana Cab was in dispute during the hearing and was never shown to be the same as any of the towns the applicant requested authorization in.

II. FINDINGS OF FACT

1. The applicant has been operating a weekly lease for Yellow Cab Company since 2004. He currently drives on average eight hours a day, seven days a week.
2. The applicant will pay \$5,097 annually for automobile insurance for one vehicle.
3. The applicant has approximately \$30,000 in cash on hand to operate the business.
4. The applicant will operate a 2001 Ford Windstar van with a fair market value of \$6,195.
5. The applicant's expenses will be \$8,320 for the first six months. This amount includes fuel, telephone, cost of operating at Bradley International Airport, repairs and maintenance.
6. Sudhir Ray is a customer of the applicant for airport trips to and from Bristol. He has found the applicant to be very reliable. He does not utilize other drivers because the applicant has always been able to service him. He has used the applicant's services once a month for past six months.
7. April Camby is a Front Desk Clerk at Holiday Inn Express in East Windsor. She arranges for taxicab service for her guests. She uses the applicant and has no complaints about his service. She has had mixed experiences with other vendors who have been occasionally late. She has not had difficulty obtaining taxicab services in the past because the hotel operates a shuttle van from 4 a.m. and 11:30 p.m. A couple of times a week, when the shuttle is unavailable, the hotel employees call the applicant for taxicab service. She has had no problems getting taxicab service for her guests during the last six months.
8. Roger Byrne has used the applicant's service for a couple of years. He uses the applicant approximately five times a year for airport trips to and from Simsbury. He has not used any other taxicab services for the past few years because he is happy with the applicant's service. He requires a larger van or station wagon to accommodate his ski equipment.
9. Lashawn Martinez is a customer of the applicant. She uses the applicant's service one to three times a week to get from home to work and is happy with the service. She has also been pleased with Ace Taxi and another taxicab service in the area.

10. The applicant frequently waits in the queue line at Bradley International Airport for up to two hours to pick up a passenger.
11. The applicant will utilize a 2001 Ford Windstar van to transport patrons so he can fit more luggage into the vehicle.
12. The applicant wants to operate its taxicab service twenty-four hours a day, seven days a week.
13. Valley Cab utilizes a van in taxicab service.
14. Vans and Lincoln Town Cars have similar trunk space available for luggage and skis.
15. Michael Johnson is an Assistant General Manager at Homewood Suites in Windsor Locks. The hotel relies on the applicant's taxicab service when their company vans or valet transportation service are not available to transport patrons. The hotel van is available Monday through Thursday 4:30 a.m. to 10:00 p.m. and Friday 6:00 a.m. to 12:00 a.m. The hotel also employs a valet transportation service if the hotel van is not available. The applicant is very dependable with good customer service. The hotel has not had any difficulty getting taxicab service from the applicant which it uses two to three times a day.
16. Robert Ruiz is a resident of Windsor Locks. He takes a taxicab three times a week to get to work for Delta at Bradley International Airport. He has used the applicant for the past six months. He had some difficulty getting prompt service from other providers. The applicant always provides Mr. Ruiz with good service and is prompt and always available.
17. It is not a violation of the Department regulations for taxicab drivers to hand out business cards, containing their personal phone number, when requested by customers.
18. Marco Henry testified that the average waiting time for a taxicab in his company is eight minutes. Yellow Cab Company has eight vans that it uses in taxicab service. The applicant operates one of these vans.
19. Edward Mcghie, owner of United Cab, operates eight Lincoln Town Cars in taxicab service. The Lincoln Town Car can fit four full size suitcases and four passengers. He has never had to turn away a customer because of the amount of luggage they have. He drives a taxicab six days a week.
20. Shafquat Kahn, owner of Prime Cab, operates one taxicab in Windsor Locks. Mr. Kahn has to wait at the airport for four to six hours for a job. There are fifty to sixty taxicabs waiting in the queue line at the airport.

21. Mohammad Jamil, owner of AA Cab, operates one Lincoln Town car in taxicab service in Windsor Locks. He has never had a problem accommodating his passenger's luggage. He completes only three to four jobs from the airport in a twelve hour shift.

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 hiring, the applicant testified that he seeks to operate on a seven day basis, twenty-four hours a day. Mr. Zeineldin did not, however, testify about how he was going to do this given the fact that there is a prohibition on drivers working more than twelve hour per shift. He himself averages eight hours per day, seven days a week.

With regard to suitability, the applicant submitted an up to date criminal record check for Mr. Zeineldin which showed no convictions. The applicant has gained experience operating a taxicab for Yellow Cab and no negative factors came to light regarding the applicant's ability to operate the proposed service at the hearing. Therefore, the applicant has proven suitability in this matter.

In support of financial wherewithal to operate the proposed service, the applicant presented proof that he will utilize a 2001 Ford Windstar van with a fair market value of \$6,195. The applicant's cash on hand is \$22,100 in Citizen's Bank and \$8,865 in Webster Bank. The applicant estimates his six month expenses at \$8,320 which includes expenditures for operating at Bradley International Airport, fuel, telephone, repairs and maintenance. The insurance premium for the one taxicab is \$5,097 per year. Based on the information presented, the applicant has the financial suitability to operate the proposed service.

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 presented several letters of support for its proposed service. Letters of support cannot be given weight since the signatories are not present for cross examination.

The applicant presented several witnesses who are his current customers. The witnesses testified that the applicant's service is on time and reliable. The witnesses also testified that they do not really have any difficulty getting taxicab service. The witnesses presented almost no testimony on having difficulty getting taxicab service either from the applicant or other taxicab providers in the area.

The applicant testified that it would be operating its taxicab service with a Ford Windstar van to provide extra luggage space. Yellow Cab operates eight vans, one of which is utilized by the applicant. There are other taxicab companies that offer taxicab service in the area that operate either vans or Lincoln Town Cars. Several witnesses testified that Lincoln Town Cars, which are commonly used as taxicabs, have as much luggage space as vans do and can carry an additional passenger when loaded.

The applicant was opposed by five intervening companies, Yellow Cab Company, Metro Taxi, AA Cab, United Cab and Prime Cab. These company owners testified that there is no need for additional taxicab authority in the area of concern. They believe that there is more than enough taxicab service in the area of concern and that there are a sufficient number of vehicles which can accommodate luggage.

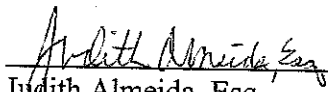
While it is clear that the applicant is providing good taxicab service under the certificate of Yellow Cab, the standard which is used regarding the determination of public convenience and necessity is that the additional taxicab service is required. Due to the lack of evidence presented to show that public convenience and necessity requires a grant of additional taxicab authority, this application must be denied.

IV. CONCLUSION

Based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of AMR Zeineldin D.B.A. CT Airport Cab hereby denied.

Dated at Newington, Connecticut, on this 7th day of July 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida, Esq.

Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration

DOCKET NO : 0706-N-91-T

Page 7 of 7