



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone:

(860) 594-2875

DOCKET NO. 1101-N-01-T

RE: APPLICATION OF GLORY TAXI, LLC D.B.A. GLORY TAXI TO OPERATE
THREE (3) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN, AND TO
AND FROM EAST HAVEN, HAMDEN, NEW HAVEN, NORTH HAVEN AND
WEST HAVEN TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

May 1, 2013

I. INTRODUCTION

A. Applicant's Proposal

By application filed on January 5, 2011, with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Glory Taxi, LLC d.b.a. Glory Taxi (hereinafter "applicant"), seeks authorization to operate three (3) motor vehicles in taxicab service, within and to and from East Haven, Hamden, New Haven, North Haven and West Haven.

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 March 12, 2013 and April 16, 2013.

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 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

Layton Cazeau appeared on behalf of the applicant. The applicant was represented by Eric Emanuelson, Esq. with a mailing address of 1575 Boston Post Road, Building B, P.O. Box 364, Guilford, Connecticut 06437.

Transportation General d.b.a. Metro Taxi received intervenor status and William Scalzi appeared pro se in opposition to the application on behalf of the company. The mailing address of Metro Taxi is P.O. Box 26094, West Haven, Connecticut 06516.

Gerry Chanterelle from Office Systems of Connecticut/ABC Language Services acted as a translator in this matter. His office is located at 1880 Silas Deane Highway, Suite 202, Rocky Hill, CT 06067.

D. Administrative Notice

Administrative notice was taken of the hearing of Metro Access in Docket Number 1008-N-78-T in which the department found that Metro Taxi could perform an additional 916 trips per day with his current taxicab fleet.

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II. FINDINGS OF FACT

1. The applicant was born in Haiti and has been in the United States for years.
2. The applicant seeks to operate three (3) taxicabs in New Haven, West Haven, Hamden, East Haven and North Haven.
3. The applicant has been an auto technician and a taxicab driver in the past for Easy One Taxi and Heritage Taxi but is currently working for Swift Transportation as a driver. His current job involves driving freight.
4. Several witnesses who spoke creole testified that the main problem in accessing taxicab service is the language barrier.
5. The applicant will be dispatching and possibly driving in the new company.
6. The applicant will be using a cell phone dispatch system or a system called Quacolm.
7. The applicant has cash of \$20,443 in the bank.
8. The applicant's expenses during the six month start up include \$10,484 for insurance, repairs of \$1,380, property tax of \$1,000, car loans of \$3,324 and advertisement costs of \$900.
9. The applicant owes \$5,013 on one auto loan for a 2007 Ford Crown Victoria.
10. Metro Taxi operates approximately one hundred twenty-one (121) taxicabs in all of the towns the applicant has applied for.
11. Metro Taxi has thirteen (13) Creole speaking drivers and thirty-nine (39) French speaking drivers. There are no creole speaking dispatchers but there are some that speak French.
12. Rene Hughes, owner of Lucy's Taxi testified against the application. Lucy's operates two taxicabs in Hamden, New Haven, East Haven and West Haven.
13. Astride Eaubrun testified that she is from Haiti and came to Connecticut seven years ago. She needs to use taxis to go to church or medical appointments. She needs taxicab service about ten times a month. Her main complaint is that the drivers do not understand the address that she needs to go to. She has not called taxicab companies to see if they have drivers that speak Creole. If she had a creole speaking driver's phone number, her problem accessing taxicab service would be solved.
14. Marie Lima testified that her mother lives in Hamden and goes to the hospital three times a week for dialysis in New Haven. When her mother calls for a taxicab she can't speak English with the dispatchers. Ms. Lima claims that she calls a taxi in Bridgeport to service her mother but she listed Metro

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Taxi's New Haven phone number as the taxicab service she calls. Ms. Lima believes there are more Haitian drivers located in Bridgeport so she this is why she says she calls Bridgeport. These trips can cost up to \$50 round trip she claims.

15. Mr. Scalzi gave Ms. Lima a number to call for her mother on the first day of hearing. Between the first day of hearing and the second day of hearing, which was a month later, neither Ms. Lima nor her mother had called Metro Taxi for service. Mr. Scalzi also gave Ms. Lima several alternatives on how her mother could get taxicab service such as having someone call and asking for a Creole speaking driver, booking advanced reservations on line or by phone or calling one of his Creole speaking drivers directly. Ms. Lima she rejected each suggestion she was provided with.

16. Edvel Rene testified that it's difficult for him to get a taxi because he does not speak English, only Creole. He lives in the New Haven area.

17. Sandra Sanon testified that she has been in Connecticut for two years and does not speak English. She has tried getting taxicab service one time in the past and usually takes the bus.

18. Mark DelGobbo takes taxicabs occasionally and also uses the bus. He was a customer of the applicant and he received good service. Mr. DelGobbo only speaks English and does not need a Creole speaking driver.

19. Ted Wooten testified that he met the applicant at his car wash. He used the applicant's service one time. Mr. Wooten speaks English.

20. The applicant has presented a list of three (3) drivers plus himself who can drive for him. Some but not all of these drivers will speak Creole.

21. Metro Taxi has an average response time of seven (7) minutes in its entire service area and thirty (30) seconds in the City of New Haven.

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

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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 having a sufficient amount of drivers, the applicant testified that he had drivers available to drive and he himself may drive. The applicant presented a list of four drivers including himself that can drive for the company. Given that the applicant has asked for three vehicles and needs more than four drivers to cover these vehicles on a twenty-four hour day, it is likely the applicant may be short on drivers.

With regard to suitability, the applicant submitted a criminal record check for Layton Cazeau which did not disclose any convictions. The applicant has been a taxicab driver and he currently works for a freight transporter. The applicant submitted a business plan and seems to be versed in the rules and regulations. There were no negatives brought to light concerning the applicant's suitability to operate the proposed service.

In support of financial wherewithal the applicant presented information that the applicant has cash of \$20,443 in the bank. The applicant's expenses during the six months start up include \$10,484 for insurance, repairs of \$1,380, property tax of \$1,000, car loans of \$3,324 and advertisement costs of \$900. The applicant owes \$5,013 on one auto loan for a 2007 Ford Crown Victoria. Based on the evidence presented, the applicant has the financial ability to operate the proposed service.

To receive a grant of authority the applicant needs to show that public convenience and necessity requires that the taxicab certificate be granted. The applicant has based his entire case on the fact that he speaks Creole and that there is a need for Creole speaking drivers and dispatchers. While it certainly a plus for a driver or dispatcher to be multilingual, it is not a requirement. The department does not grant taxicab applications to any individual solely based on the languages they speak. That result would mean that every language would have to be represented by each taxicab company. The only language that drivers and dispatchers are required to speak is English.

One of the witnesses, Ms. Lima, offered testimony that she is forced to call a Bridgeport taxicab company to provide taxicab service to her mother in New Haven. When Mr. Scalzi cross-examined her, it was discovered that in reality she was calling Metro Taxi's New Haven number not its Bridgeport number. In addition, Mr. Scalzi offered her a phone number to provide her mother a Creole speaking driver which Ms. Lima did not avail herself of in the month that lapsed between the two hearing dates.

Metro Taxi has thirteen (13) Creole speaking drivers whom can service the Creole speaking community. Metro also has thirty nine (39) French speaking drivers. While there may not be a Creole speaking dispatcher in the company, there are French speaking dispatchers who may be able to communicate with the patron speaking Creole. There is a sufficient number Creole speaking drivers who can help the Haitian community currently. The addition of the applicant's three (3) taxis would not be much of an improvement in that area especially given the fact that the applicant admits that not all of his drivers will speak Creole.

The applicant stressed the point that the customer is under no obligation to do any research into the area taxicab services and that it's a failing for the local taxicab companies not to have marketed to the Creole speaking community. It is the department's position that the customer has an obligation to take proactive steps to explore the taxicab services in their area and that the local taxicab companies are not responsible to market to every ethnic group or provide dispatching and driving services for each and every language spoken.

The applicant repeatedly offered the statement that the public at large is not happy with the twenty-two taxicab companies in the New Haven area but did not offer any proof of the dissatisfaction with that service. The only dissatisfaction presented was that of Creole speaking residents who had difficulty accessing taxicab service.

Based on the evidence presented, this application is hereby denied.

IV. CONCLUSION

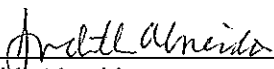
The applicant has proven that it is suitable and has the financial ability to operate the proposed operation. It has failed to prove that public convenience and necessity requires a grant of its application.

V. ORDER

Based on the above and pursuant to Connecticut General Statutes Section 13b-97, the application in the name of Glory Taxi, LLC d.b.a. Glory Taxi is hereby denied.

Dated at Newington, Connecticut, on this 1st day of May 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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