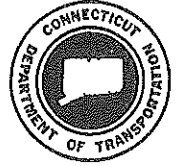




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

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DOCKET NO. 1201-AV&AT-6-T

RE: APPLICATION OF CASINO CAB CO., INC. D/B/A YELLOW CAB CO.
TO OPERATE SIX (6) ADDITIONAL TAXICABS, FOR A TOTAL OF
FIFTY-FOUR (54) TAXICABS, WITHIN AND TO AND FROM A
COMBINED TERRITORY OF BRIDGEPORT, FAIRFIELD, STRATFORD
AND TRUMBULL TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

October 28, 2015

I. INTRODUCTION

A. Applicant's Proposal

On or about December of 2012, Casino Cab Co., Inc. d/b/a Yellow Cab Company (hereinafter "applicant") filed an application for six additional taxicabs to be added to its then fleet of forty-eight taxicabs. Additionally, the applicant requested, in the same application, that its territory be combined to include Fairfield, for a combined territory of Bridgeport, Fairfield, Stratford, and Trumbull. Lastly, the applicant sought to operate all 54 taxicabs from the combined territory. This application was withdrawn on the record.

The original application was not timely pursued by the applicant, nor did the Department of Transportation (hereinafter "department"), realize the application was pending.

On November 12, 2014, the applicant filed a subsequent application requesting authority to operate five (5) additional vehicles in within and to and from Fairfield, pursuant to Connecticut General Statutes Section 13b-97.

B. Hearing

Pursuant to Section 13b-97(a) of the General Statutes, as amended, a public hearing on the original application was held at the administrative offices of the Department in Newington, Connecticut, on June 15 and August 20, 2015.

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 General Statutes, as amended. Notice to the public was given by publication on the department website at www.ct.gov/dot.

A hearing officer was designated by the Commissioner of Transportation to conduct the hearing on this matter, pursuant to General Statutes Section 13b-17.

C. Appearances

Casino Cab Co., Inc. d/b/a Yellow Cab Co. appeared through its owner, Raymond Longo and was represented by Gregory S. Kimmel, Esq. whose mailing address is 1221 Post Road East, Westport, Connecticut 06880.

Although notice was defective, upon learning of the defect, it was cured by the issuance of notice to all common carriers operating within the territory specified, in accordance with Connecticut General Statutes Section 13b-97.

Jeffrey Serlin, owner of Chauffeured Limousine Service, Inc. d/b/a Red Dot Taxi Service, authorized to operate taxicabs within and to and from Fairfield, the territory specified, was afforded the opportunity to hear an audio recording of the record and to attend a continuation of the hearing, present evidence and cross-examine the applicant. The continuation of the hearing was held on August 20, 2015.

D. Amendment of Application

The applicant amended its application from a request for an additional six (6) vehicles, for a total of fifty-four (54) taxicabs in a combined territory of Bridgeport, Fairfield, Stratford, and Trumbull to only five (5) additional taxicabs within and to and from Fairfield. All requests to combine territories and vehicles were withdrawn.

E. Administrative Notice

The population of Fairfield as of 2010 was 60,855 and the town of Fairfield has a land area of 30 square miles. State of Connecticut Register and Manual 2014.

Application of Chauffeured Limousine Service, Inc. D.B.A. Red Dot Taxi Service to Operate Ten (10) Additional Motor Vehicles in Taxicab Service Within and to and From Fairfield, Docket No. 1108-AV-88-T, June 6, 2014.

II. FINDINGS OF FACT

1. Raymond Longo is the owner of Casino Cab d/b/a Yellow Cab Co. It operates in Fairfield. In February of 2012, Raymond Longo purchased Fairfield Cab Co. and received three taxicabs as a result of the sale and transfer.

2. Fairfield Cab Company held authority to operate twelve taxicabs within and to and from Fairfield, but only three were transferred because all of the other taxicabs that Fairfield Cab Company owned were either not in service or taken out of service due to safety violations. (See Docket No. 1104-C-35-T, *In the Matter of the Citation of Fairfield Cab Co.*, Department of Transportation Final Decision, January 20, 2012.)

3. The applicant has no pending citations.

4. The monthly phone statement for September 2014 reflects incoming calls to the dedicated telephone number for applicant's Fairfield taxicabs. This statement showed approximately 3,300 calls for the month. For month of April, the telephone bill reflected 1,187 telephone calls.

5. The dedicated telephone number for applicant's Fairfield taxicabs is separate from the business office telephone number.

6. The applicant's trip sheets for April and May show that the applicant provided an average of 20 trips per vehicle, per day. The applicant's trip sheets do not reflect the shift driven, nor do they reflect the times that the trips were provided. Based on a 24 hour operational basis, the 20 trips per vehicle amount to fewer than one trip per car, per hour.

7. The applicant provides on demand rides to and from Connecticut Image and Guided Surgery & Connecticut Access Care through a voucher system. These calls originate in Fairfield or end in Fairfield, and some are long distances, for example from Fairfield to Torrington and back.

8. In May 2015, the applicant provided 155 trips to and from Connecticut Image and Guided Surgery & Connecticut Access Care, and in April 2015, the applicant provided 128 to the same location.

9. There are occasions when two or three of the applicant's vehicles are out of town on these long distance trips for the Connecticut Image and Guided Surgery & Connecticut Access Care.

10. The trips provided to and from Connecticut Image and Guided Surgery & Connecticut Access Care are private pay trips.

11. As of May 2015, the applicant's bank statement showed a balance of \$174,059, available to be used in the operation of the additional service requested.

12. The applicant owns five (5) vehicles that the applicant owns that it would use in taxicab services if the application was granted.

13. The applicant maintains fleet insurance for its vehicles. The applicant will add the additional vehicles requested to its current policy. The cost for the additional insurance is \$7,800 per vehicle.

14. The applicant's management is familiar with the regulations and statutes governing taxicab service from his 40 years of experience in the business.

15. The applicant has drivers to drive each of the requested vehicles.

16. The applicant has in stock the radios and dome lights that will be needed to outfit the additional vehicles.

17. The applicant is currently in full operation and does not have significant additional costs with adding the requested authority.

18. The applicant's cash on hand of \$174,059 would cover the additional expense of \$7,800 for insurance for each additional taxicab requested.

19. The management of the applicant has no criminal conviction history.

20. Jeffrey Serlin, owner of Red Dot Taxi, is authorized to operate four taxicabs within and to and from Fairfield opposed the application on the basis that the applicant was operating its vehicles illegally.

21. Serlin provided photographs of taxicabs purported to be operated by the applicant, but the photographs are not dispositive of any illegal activity.

22. Patricia Church receives calls from her daughter for a ride because her daughter cannot get a taxicab when she needs it. Last time she needed a taxicab to get to the station was January 2015.

III. DISCUSSION

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.

In support of suitability, the applicant provided a criminal conviction history form for the owner/manager of the company, Raymond Longo, which shows no record. Longo has been in the taxicab business for forty years with no recent or pending citations.

The opposition provided photos of the applicant's vehicles which were not dispositive of any violations. The opposition further introduced some reviews from the public as to the applicant's service, but since no complaints were brought to the department for investigation, and there are no citations pending or filed against the applicant for such complained about service, they submissions cannot be held against the applicant's suitability.

As for the applicant's financial wherewithal, Longo owns outright the vehicles he seeks to put into service. He also owns and has in stock the equipment needed to outfit the vehicles as taxicabs. The applicant's insurance will cost \$7,800 per vehicle. The applicant's ending bank balance as of May 2015 was \$174,059. The applicant is currently operating a full taxicab business and would not incur substantial additional costs. The applicant has cash on hand to cover the insurance for all additional vehicles that it seeks.

The applicant has drivers ready and able to drive the additional vehicles.

As for public convenience and necessity, the applicant provided its trip sheets for two months, in addition to call vouchers for a local medical group for which the applicant provides on call, on demand service. The vouchers correspond to the trip sheets. Regulations of Connecticut State Agencies Section 13b-96-18 mandates that the operation of taxicabs shall be on a 24-hour basis. The trip sheets provided are not completed in sufficient detail so as to provide the times of the trips provided, nor the shifts that the trip sheet represents. Accordingly, the trip sheets must be viewed to represent a 24 hour day. The trip sheets show that the applicant is providing an average of 20 trips per vehicle, per 24 hour day; which amounts to less than one trip per hour per taxicab.

The applicant provided information regarding the number of telephone calls it received on its telephone line for Fairfield, and although there are hundreds of calls, the list in and of itself is not dispositive of the actual requests for service. There is no way to decipher from the telephone records if the calls were for actual service within and to and from Fairfield.

One witness testified that she receives calls from her daughter for a ride when her daughter cannot get a ride to or from the train station. The last time she needed such a ride was in January. This testimony was not persuasive on the issue of need.

IV. CONCLUSIONS OF LAW

Based on the evidence of record, and pursuant to Connecticut General Statutes Section 13b-97, the applicant possesses the financial suitability to operate the proposed service, the applicant has a sufficient number of drivers to drive the proposed vehicles, and the applicant possesses the suitability to operate the proposed service. The evidence of record, however, does not show that the public convenience and necessity requires the addition of a taxicab or taxicabs in the territory of concern.

V. ORDER

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Casino Cab Company, Inc. d/b/a Yellow

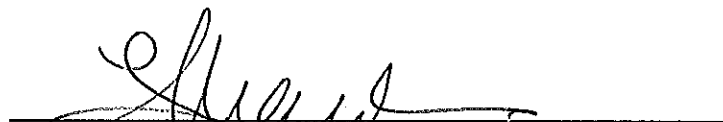
Casino Cab Co., Inc. dba Yellow Cab Co.

Docket No. 1201-AV&AT-6-T

Cab Company is hereby denied.

Dated at Newington, Connecticut, on this 28th day of October 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration