



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

DOCKET NO. 1602-N-18-T

RE: APPLICATION OF TRUMBULL RIDGE, LLC DBA TRUMBULL RIDGE TAXI TO  
OPERATE THREE (3) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND  
TO AND FROM THE TOWNS OF BETHEL, TRUMBULL, EASTON, NEWTOWN  
REDDING, SHELTON AND MONROE.

FINAL DECISION

JULY 22, 2016

## I. INTRODUCTION

### A. Applicant's Proposal

By application filed on February 17, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, Trumbull Ridge, LLC dba Trumbull Ridge Taxi (hereinafter "applicant") with a mailing address of P.O. Box 110584, Trumbull, Connecticut seeks authorization to operate three (3) motor vehicles in taxicab service within and to and from the towns of Bethel, Trumbull, Easton, Newtown, Redding, Shelton and Monroe.

### 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 Department of Transportation in Newington, Connecticut on July 14, 2016.

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

Gabriel Etienne appeared pro se on behalf of the applicant. The applicant's mailing address is P.O. Box 110584, Trumbull, Connecticut 06611.

Raymond Longo appeared on behalf of Casino Cab Company, Inc. which was granted intervenor status with regard to Trumbull. Casino Cab was represented by Gregory Kimmel, Esq. of Berchem, Moses and Devin, PC, 1221 Post Road East, Westport, Connecticut 06880.

Joseph Miller appeared on behalf of The Waterbury Yellow Cab & Service Company, Inc. dba Yellow Cab Co. which was granted intervenor status for Newtown. Yellow Cab was represented by Matthew Forrest, Esq. of Forrest Law located at 72 Somerset, Wethersfield, CT 06109.

### D. Administrative Notice

Administrative notice was taken of the three different taxicab rates of fare for the

seven towns the applicant has applied for. Trumbull and Shelton each have different rates from the other five towns.

## II. FINDINGS OF FACT

1. The applicant seeks to operate three (3) taxicabs within and to and from Bethel, Trumbull, Easton, Newtown, Redding, Shelton and Monroe.
2. Mr. Etienne has been a taxicab driver since 1973 and is currently an owner operator for Darien Taxi.
3. The taxicab rates of fare for the seven towns the applicant has applied to operate in are not the same. There are three different taxicab rates in this service area.
4. Mr. Etienne will be driving a taxicab while his wife and son will help with bookkeeping and dispatching.
5. Mr. Etienne is not abiding by the taxicab rules and regulations by performing illegal taxicab trips with a Darien Taxi.
6. The applicant will use a 2006 Crown Victoria as his taxicab. The other two taxicabs are unknown and will be provided by owner operators.
7. Minon Thomas has been using the applicant's taxicab service for the past five years on weekends to take her from her home in Bridgeport to her job in Fairfield when bus service is not available. Fairfield and Bridgeport are not within the authorized territory of Darien Taxi. Fairfield and Bridgeport are towns the applicant has applied for.
8. Novell Beckford uses the applicant for taxicab trips from her work in Darien to her eye doctor in Greenwich. He also transports her from Greenwich to her home in Norwalk after her eye doctor appointments. The trip from Greenwich to Norwalk is outside of the authority for Darien Taxi. Darien, Greenwich and Norwalk are not towns the applicant has applied for.
9. Marleen Swaby has been utilizing the applicant's taxicab from Darien to the airport. Most of the time when she needs transportation, she takes the bus or has friends drive her.
10. The Waterbury Yellow Cab & Service Company, Inc. dba Yellow Cab Co. is authorized to operate three (3) taxicabs in Newtown.
11. Casino Cab Company, Inc. is authorized to operate three (3) taxicabs in Trumbull.

### III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over common carriers, which include 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.

Some factors to consider in determining public convenience and necessity are whether the service will benefit the relevant class of users, whether the proposed service is more efficient, more economical, more convenient, more satisfactory, or different than the services offered by the existing service providers, whether the new service would create a potentially beneficial effect upon rates and customer service and whether the acquisition of equipment would be more suitable to customer needs, whether the population in the area that the applicant proposes to service is increasing, whether potential customers have requested a service like that suggested by the applicant and whether the proposed service will improve the existing mode of transportation as recently defined in *Steve Martorelli v. Department of Transportation* (SC19307).

With regard to suitability, the applicant submitted State Police Bureau of Identification Criminal History Form for Gabriel Etienne which showed no convictions. Mr. Etienne has been a taxicab driver since 1973 and should have a good operating knowledge of the taxicab rules and regulations. The record reflects, however, that Mr. Etienne has been performing illegal taxicab trips using the Darien Taxi. Darien Taxi is only authorized to operate a taxicab trips which start or end in Darien or are entirely within the town of Darien.

Minon Thomas pays the applicant to take her from Bridgeport to Trumbull which is outside of the authorized Darien Taxi territory. The applicant has denied that he charged her for these trips but Ms. Thomas testified that the applicant regularly charges her. Likewise, Ms. Beckford testified that the applicant has transported her from Greenwich to Norwalk, a trip which is also not a legally authorized trip for Darien Taxi.

The testimony of both Ms. Thomas and Ms. Beckford is credible given that Mr. Etienne himself testified that a taxicab driver may go anywhere in the state, even outside of his authorized territory if a customer makes a prior reservation. That is incorrect and shows that Mr. Etienne has been performing illegal taxicab trips for money using the Darian Taxi. In addition, the applicant testified that he gives rides to people in Trumbull, which is also out of his authorized territory, for which he also likely charges. Mr. Etienne has been a taxicab driver for many years and should know and comply with the rules and regulations as required by Regulation of Connecticut State Agencies Section 13b-96-10(4) and Section 13b-96-4.

Regarding the availability of qualified operators as required by Regulation of Connecticut State Agencies Section 13b-96-10(1), Mr. Etienne's testimony was inconsistent on this issue. At first, he didn't seem to know the names of the potential drivers that he would utilize for the other two taxicabs then later, he came up with a first name which happened to be the same for both drivers. At this point, the only identified driver is Mr. Etienne.

The applicant is required pursuant to Regulation of Connecticut State Agencies Section 13b-96-10(b)(3) to offer a business plan. Over the course of the hearing there were several instances when Mr. Etienne changed his testimony regarding what types of vehicles he would be operating and how these vehicles will be operated. No written plan explaining the operation was ever submitted. At a minimum, the applicant must be able to articulate clearly on the record how the business will be operated which wasn't done in this case. Given all of the testimony which relates to suitability, Mr. Etienne has not proven that he is suitable to operate the proposed taxicab service.

As far as the applicant's financial suitability is concerned, the applicant has \$12,060 in the First County Bank. Mr. Etienne also testified that he had other cash in his personal name. Since that money is not in the name of the applicant business, it cannot be considered as an asset.

The applicant will operate from a home office with his wife and son providing free labor at the outset. He has a 2006 Crown Victoria which is paid for and can be used as a taxi until March 2017. Mr. Etienne testified that the two other drivers will be responsible for painting their vehicles and installing taxi meters at their own expense. The insurance on the three vehicles will cost \$7051 for six months. Although the applicant testified that he would be responsible for only paying his own insurance for his one vehicle, as the certificate holder, he needs to be able to cover the insurance costs for all three vehicles operating under his company. In addition, he also needs to cover \$300 for the telephones, legal costs of \$1,125 and marketing costs of \$1,000. That leaves a total expense of \$9,476 which can be adequately covered by his cash on hand. Based on the evidence presented, the applicant has proven financial suitability.

On the issue of public convenience and necessity, the applicant fails to make his case. The applicant presented the testimony of three customers in support of his application. However, the witnesses did not provide substantive evidence about taxicab service in the area that the applicant has applied for. The witnesses primarily spoke about needing taxicab service in towns which

were not requested by the applicant such as Bridgeport, Westport or Darien. There was little or no evidence presented concerning taxicab service in Bethel, Trumbull, Easton, Newtown, Redding or Monroe and when asked whether they would need taxicab service in these towns, none of the witnesses presented a need.

There was also no evidence presented that the applicant's service will benefit the public, that it is more efficient, more economical, more convenient, more satisfactory or different than the services offered by the existing taxicab service providers.

As far as whether the new service would create a potentially beneficial effect upon rates, the applicant has applied to operate in three different rate zones thereby causing problems in adjusting the rates in the conflicting areas. The applicant had no answer on how he would reconcile the taxi rates.

There was also no evidence that customer service would be improved by the applicant's service or that the equipment to be used by the applicant would be more suitable to customer needs. The equipment to be used in the proposed service is a largely unknown and the one vehicle definitely to be used by the applicant, the 2006 Crown Victoria, has to be replaced in 2017. For all of these reasons, the application fails on public convenience and necessity.

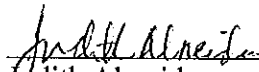
Based on the evidence presented, the applicant has financial suitability but the applicant has not proven that public convenience and necessity requires a grant of this application or that he is suitable to be granted the requested authority.

#### IV. CONCLUSION

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Trumbull Ridge Taxi, LLC dba Trumbull Ridge is hereby denied.

Dated at Newington, Connecticut on this 22nd day of July 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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