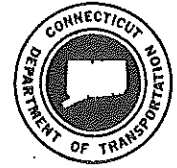


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1612-N-134-L

RE: APPLICATION OF TAGCO LIVERY SERVICES, LLC TO OPERATE THREE (3) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) PASSENGERS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN BRIDGEPORT.

DECISION

OCTOBER 4, 2017

I. INTRODUCTION

A. APPLICATION

By application filed on December 6, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Tagco Livery Services, LLC (hereinafter "applicant") with a mailing address of 1333 East Main Street Apt 5, Bridgeport, Connecticut 06608 seeks authorization to operate three (3) motor vehicles, each having a seating capacity of less than eleven (11) passengers, in general livery service between all points in Connecticut from a headquarters in Bridgeport.

B. HEARING

Pursuant to Connecticut General Statutes, Section 13b-103, as amended, a public hearing on this application was held on September 19, 2017.

Notice of the application and of the hearing to be held thereon was given to the applicant and to such other parties as required pursuant to Connecticut General Statutes Section 13b-103, as amended. Legal notice to the public was given by publication on the department's website.

A hearing officer designated by the Commissioner pursuant to Connecticut General Statutes Section 13b-17 conducted the hearing on this matter.

C. APPEARANCES

Tageldin Banaga appeared on behalf of the applicant. The applicant was represented by Attorney Michael Stone with a mailing address of 129 Church Street, Suite 806, New Haven, Connecticut 06510.

II. FINDINGS OF FACT

1. The applicant seeks to operate three (3) motor vehicles in livery service from a headquarters in Bridgeport.
2. The applicant is from Sudan and has a masters degree in literature. He currently is operating two different stores. One store is a deli in Bridgeport and the other store is a general store in West Haven.
3. Mr. Banaga does not have a public service license nor has he ever been a livery or taxi driver, dispatcher or otherwise worked in the transportation industry.
4. No specific drivers other than Mr. Banaga have been identified.

5. The applicant is proposing to operate a 2006 Hummer, a 2006 Infinity and a 2004 Mercedes.

6. Mr. Banaga is a prominent member of the Sudanese community who gives free rides to the people of his community. He is a member of the Sudanese American Soccer Association which sponsors events including one large tournament each year.

7. The applicant has a cash asset of \$29,990 in the bank.

8. The applicant's first six months of expenses includes insurance of \$8,584, maintenance of \$1,350, property tax of \$379 and motor vehicle payments of \$1,609, advertising of \$600, business cards of \$200 and communication of \$1,080 for a total expense of \$13,802.

9. Mansour Salih is an Uber driver and member in the growing Sudanese community in the West Haven area. He and his family are interested in using the applicant's livery service two or three times a week. The Sudanese community needs this type of livery service.

10. Abdel Abdelmagid owns an interpretation company. He knows that the applicant drives members of the Sudanese community quite often without charge because of lack of transportation.

11. Nour Awad is a friend of the applicant. He and his family may use the applicant's service four times a month.

12. Adil Elgazouli works for Metro Taxi as a taxi driver. He would refer livery business to the applicant. He knows the applicant to be a prompt and good driver.

13. Adnan Kashab knows the applicant to be an honest and trustworthy person. He knows the applicant often gives free rides to the community. The applicant is also a safe driver.

14. Yasir Mohamed is an Uber driver. He believes the Sudanese community needs a livery service like that proposed by the applicant.

15. Elsadiq Eltigani is a friend of the applicant. He would refer livery business to the applicant.

16. Yasir Hamed works for a consulting agency in New Haven which helps new immigrants. The Sudanese community is growing with over 150 families in the area. He would refer the applicant's livery service to his clients. He and his staff have to drive clients due to lack of transportation.

17. The applicant's wife is currently waiting to relocate to the United States. She will be helping in the livery business upon arrival. The applicant also has a friend that is out of work who may help out as well.

18. This application was not opposed.

III. DISCUSSION

The department has jurisdiction over each person, association, limited liability company or corporation owning or operating a motor vehicle in livery service, pursuant to Connecticut General Statutes Section 13b-102, as amended.

In determining whether a livery permit should be granted, the department shall take into consideration the present or future public convenience and necessity. The applicant must prove that the public's convenience and necessity will be improved by the proposed service. Additionally, the applicant must show the suitability of the applicant or the suitability of the management if the applicant is a limited liability company or corporation, the financial responsibility of the applicant, the ability of the applicant efficiently and properly to perform the service for which authority is requested and the fitness, willingness and ability of the applicant to conform to the provisions of the statutes and the requirements and regulations of the department thereunder, in accordance with Connecticut General Statutes Section 13b-103.

Some factors to consider in granting a livery permit 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 defined in Martorelli v. Department of Transportation 316 Conn. 538 (2015).

To show financial support, the applicant submitted information that the applicant's first six months of expenses includes insurance of \$8,584, maintenance of \$1,350, property tax of \$379 and motor vehicle payments of \$1,609, advertising of \$600, business cards of \$200 and communication of \$1,080 for a total expense of \$13,802. The applicant has a cash asset of \$29,990 in the bank. Based on the evidence presented, the applicant is able to sufficiently cover its bills for the start-up period.

Regarding the applicant's suitability, a criminal record check was performed for Tageldin Banaga which shows no criminal record. The applicant has the fitness, willingness and ability to conform to the provisions of the statutes and the requirements and regulations of the department.

However, the applicant has no past experience operating a livery service nor has the applicant had any experience in any aspect of transportation such as driving or dispatching. Driving

people to places isn't really the same thing as operating a livery service. There is also a big question as to who will be driving the other two livery vehicles requested and how the headquarters will operate given that the applicant's wife has yet to arrive in the United States and the friend that might help out is currently looking for employment elsewhere. Therefore, based on the evidence presented, the applicant is suitable to operate one (1) livery vehicle initially.

There are several forms of evidence that can be used to show public convenience and necessity such as independent witness testimony from customers and trip records, among others. To prove public convenience and necessity, the applicant presented many witnesses familiar with his good work in the community including his driving people for free. The witnesses fully support the application including vowing to utilize the applicant's service and refer others to the applicant. Given their testimony, the applicant appears to have a readymade customer base from which to draw from. The addition of the applicant would improve the existing mode of transportation especially given that the population is increasing.

VI. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application is hereby granted. Accordingly, Livery Permit number 3612, standing in the name of Tagco Livery Services, LLC is hereby issued as follows:

LIVERY PERMIT NO. 3612

Tagco Livery Services, LLC is authorized to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) passengers, in general livery service from a headquarters in Bridgeport.

RESTRICTIONS:

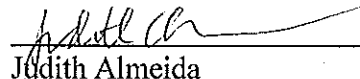
The applicant must register and insure the one (1) vehicle granted under this decision within forty-five (45) days from the date of this decision.

This permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder for not less than twenty-four (24) months. If at any time during the twenty-four consecutive month period the applicant enters into a contract for the sale of any of the vehicles authorized under livery permit number 3304, the authority granted herein for the four additional vehicles will be revoked.

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

A memorandum of this permit, bearing the seal of the department, shall be conspicuously posted in each motor vehicle operated under this permit.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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