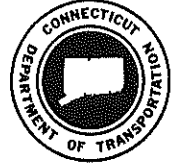


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

DOCKET NO. 1711-N-114-T

RE: APPLICATION OF AMITY TRANSPORTATION, LLC TO OPERATE SIX (6) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM THE TOWNS OF GLASTONBURY, MANCHESTER, EAST HARTFORD, HARTFORD, WEST HARTFORD, FARMINGTON, AVON, SIMSBURY, ROCKY HILL, WETHERSFIELD, WINDSOR, SOUTH WINDSOR, WINDSOR LOCKS, ENFIELD, BLOOMFIELD, GRANBY, MIDDLETOWN, VERNON, NEWINGTON, MANSFIELD AND BERLIN .

DECISION

May 15, 2018

I. INTRODUCTION

A. Applicant's Proposal

By application filed on November 1, 2017, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, Amity Transportation, LLC (hereinafter "applicant") with a mailing address of 38A Channing Drive, Manchester, Connecticut seeks authorization to operate six (6) motor vehicles in taxicab service within and to and from the towns of Glastonbury, Manchester, East Hartford, Hartford, West Hartford, Farmington, Avon, Simsbury, Rocky Hill, Wethersfield, Windsor, South Windsor, Windsor Locks, Enfield, Bloomfield, Granby, Middletown, Vernon, Newington, Mansfield and Berlin .

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 February 15, April 3 and May 10, 2018.

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

Mamun Iqbal, Sayed B. Uddin, Sayed S. Uddin, Mostaque Chowdry, Khan Chowdhury and Shahid Chowdhury appeared on behalf of the applicant. The applicant's mailing address is 38A Channing Drive, Manchester, Connecticut 06040. The applicant was represented by Attorney Benjamin Trachten with a mailing address of 679 State Street, New Haven, Connecticut 06511.

The following companies requested and were granted intervenor status in this matter to the extent that they have authority to operate in the same territory that has been requested by the applicant:

1. George Taxi, LLC (C-1024) 42 Hayden Avenue, Windsor, CT 06095
2. Shafquat Kahn dba Prime Cab (C-1190) 21 Burke Road, Vernon, CT 06066
3. Airport Cab, LLC (C-1198) 1238 Hartford Turnpike, Apt 22, Vernon, CT 06066
4. Norbert Kosiorek dba Norbert Taxi Co. (C-1107) 12 Green Valley Drive, Enfield, CT 06082
5. ABC Taxi, LLC (C-1211) 64 Hunters Lane, Newington, CT 06111

Executive Cab Company, Inc. (C-1012) was originally granted intervenor status but failed to appear on the last day of hearing so it was removed as an intervenor in this case.

Several companies also filed for intervenor status before the hearing but failed to appear so they were not granted such status.

D. Administrative Notice

Administrative Notice was taken of the territory of Bill's Taxi. The territory is the sixteen towns which comprise the Greater Hartford Transit District not including Southington.

II. FINDINGS OF FACT

1. The applicant is seeking to operate six (6) motor vehicles in taxicab service within and to and from the towns of Glastonbury, Manchester, East Hartford, Hartford, West Hartford, Farmington, Avon, Simsbury, Rocky Hill, Wethersfield, Windsor, South Windsor, Windsor Locks, Enfield, Bloomfield,

Granby, Middletown, Vernon, Newington, Mansfield and Berlin.

2. Each of the six applicant members currently drives for a taxicab company that services the Hartford area.

3. Ahmed Jilu has been driven by several of the applicant members. He finds their service very responsive, helpful and reliable. He takes taxis trips from his home in Manchester to Middletown. He also uses taxicab service in Mansfield, Hartford and West Hartford. He has no difficulty getting taxicab service.

4. Bob McCarthy has used one of the applicant members for the past six years and finds the service to be very reliable. He primarily travels to and from Glastonbury, Wethersfield and Windsor Locks. He has no difficulty getting taxicab service.

5. Douglas Campbell uses one of the applicant members as his driver. He finds the service timely and is satisfied. He has no difficulty getting taxicab service.

6. Andrew Triggle uses one of the applicant members to go to Windsor Locks and occasionally to Berlin, Avon, Simsbury, West Hartford and Hartford. He has no difficulty getting taxicab service.

7. Hope Dipiero is a customer of one of the applicant members. Her usage is to Windsor Locks, Newington, Rocky Hill and Berlin. She has no difficulty getting taxicab service.

8. Dmitiry Vozvyshayeu uses the taxicab service to Glastonbury, Farmington, Berlin, Bloomfield and Windsor Locks. He has no difficulty getting taxicab service.

9. Mohammed Qaiyum uses taxicab service occasionally in West Hartford, East Hartford, Hartford and Vernon for doctors' appointments. He has no difficulty getting taxicab service.

10. Hasnet Tarafder ia a relative of one of the applicant members. He uses the service of his relative for himself and his family. He has no difficulty getting taxicab service.

11. Mahbub Alam and Ismail Mahmaoud are current taxicab drivers who will drive for the applicant.

12. Paul and Lynn Strecker testified that they use one of the applicant members for service to the airport from their home in Wethersfield about four trips a year. The service is timely and reliable. They have no difficulty getting taxicab service.

13. Kimberly Holmes uses one of the applicant members one or two times a month from Avon to Hartford or Bradley Airport. The service is reliable and respectful. She has no difficulty getting taxicab service.

14. The taxi business as a whole is down due to the presence of the Transportation Network Companies such as Lyft and Uber.

15. Because of the lack of taxicab business, drivers are going to the airport for work instead of covering their local service area.

16. Taxicab lease rates are decreasing because drivers cannot make enough money to pay the higher lease fees they used to pay.

17. Each of the applicant drivers spends several hours a day in the queue line at Bradley International Airport waiting for trips because there isn't enough work in their territory.

18. The taxicab trips from Bradley Airport are down 2701 trips from 2016 to 2017. Each month, except February 2017, showed a decline from the same period the prior year.

19. The applicants have a bank balance of \$60,438 in a Webster Bank.

20. The applicant expenses include insurance of \$11,760, phone and internet costs of \$450, maintenance of \$3,000, advertising \$2,100, office expenses of \$120 and property tax of \$1,605.

21. The applicant plans to operate a 2008 Ford Taurus, a 2014 Lincoln MKZ,

a 2010 Toyota Siena, a 2008 Toyota Camry, a 2008 Lincoln Town Car and a 2011 Toyota Camry.

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 include 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).

With regard to suitability, the applicant submitted State Police Bureau of Identification Criminal History Forms for the six applicant members which show no criminal records found. The members are all experienced cab drivers who are suitable to handle the proposed taxicab operation.

As far as the applicant financial suitability is concerned, the applicant presented evidence that the first six months of expenses includes insurance of \$11,760, phone and internet of \$450, maintenance of \$3,000, advertising costs of \$2,100, office expenses of \$120 and property tax of \$1,605 for a total expense of \$19,035. The applicants have a bank balance of \$60,438 in Webster Bank which is sufficient to handle these expenses.

With regard to qualified drivers, all of the applicant members will be driving the six taxicabs. The applicant also presented two other drivers who would also drive for them. There are a sufficient number of people to drive the six vehicles requested.

On the issue of public convenience and necessity there was no substantive evidence presented for taxicab need in Enfield, Granby and South Windsor so these towns were removed from consideration.

The applicant presented current customers in support of the application. These customers were completely satisfied with the taxicab service that they are currently receiving from the applicant members. The witnesses never complained that they were not getting service or that they had any problems getting prompt service. If the applicant was granted taxicab authority it would not change the service that these customers are currently receiving. There was also little, if any, testimony about the witnesses' use of other taxicab services and whether these other services were acceptable.

Of concern is the fact that the applicant members spend many hours each day at the airport waiting for taxicab jobs because they do not have sufficient taxicab work in their assigned territories. The introduction of Transportation Network Companies has decimated the taxicab business in Connecticut including the Hartford area. There simply is not enough work in the applicant service area to merit adding six (6) additional taxicabs.

To further compound problems, as new operators, the applicant members would be forbidden to contract with Bradley Airport for two years after receiving their certificate thereby leaving them with an even lower volume of work than they are currently experiencing. It is doubtful that the applicant members would find enough work in their service area to support all six members while not working at the airport.

The applicant presented no reliable evidence that the population in the requested service area is increasing or that the applicant is offering a type of vehicle that is not currently being offered by the other taxicab companies already servicing the area. Taxicab rates are regulated by the State of Connecticut therefore the applicant must charge the prevailing rate in the territory requested so there is no rate advantage to the applicant service. Since many of the witnesses had not used taxicab services provided by other companies, there was no credible testimony that the applicant proposed service was more efficient, more economical, more convenient or more satisfactory than the services currently being offered by the existing taxicab companies.

There was a large amount of opposition against granting this application from taxicab companies in the applicant service area. The evidence shows an overall decline in taxicab jobs in the service area due in part to the introduction of Transportation Network Companies such as Uber and Lyft. Trips from the Bradley Airport queue line have also declined substantially from 2016 to 2017 for the same reason.

There has also been a drop in the lease fees charged to drivers by taxicab companies because the drivers simply cannot afford, given the drop in the volume of work, to pay the former higher lease fee. All of these facts points to the conclusion that work volume is down and therefore so is the need.

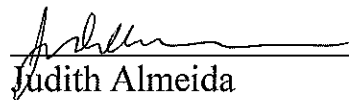
Several of the applicant drivers testified that the motivation for the application was to not have to pay a lease fee. Although understandable, this savings only benefits the applicant members, not the public and is not a basis to grant taxicab certificates. Based on the evidence presented, the applicant has not shown that public convenience and necessity would be improved by the grant of these taxicab certificates.

IV. CONCLUSION

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

Dated at Newington, Connecticut on this 15th day of May 2018.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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