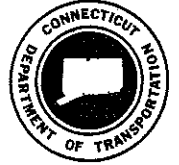




File
STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0405-AV-03-T

RE: APPLICATION OF TRANSPORTATION GENERAL, INC. DBA METRO TAXI TO OPERATE ONE (1) MOTOR VEHICLE IN TAXICAB SERVICE WITHIN AND TO AND FROM GUILFORD TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

June 5, 2007

I. INTRODUCTION

A. Application

By application filed on May 5, 2004, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Transportation General, Inc. dba Metro Taxi (hereinafter "applicant") of 65 Industry Drive, West Haven, Connecticut, made application for authority to operate four motor vehicles within and to and from Guilford, Branford and North Branford.

On November 3, 2006, by written correspondence, the application was amend for authorization for one motor vehicle, in taxicab service, within and to and from Guilford to all points in Connecticut.

B. Hearing

Pursuant to Section 13b-97(a) of the General Statutes, as amended, a public hearing on this application was scheduled to be heard on April 3, 2007 at the administrative offices of the Department in Newington, Connecticut. The applicant was represented by Timothy P. Pothin, Esq. of the law firm of Lynch, Traub, Keefe and Errante, 52 Trumbull Street, New Haven, Connecticut. Due to the unavailability of the principle of the applicant company, the matter was continued to and heard on April 9, 2007.

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. Legal notice to the public was given by publication in the New Haven Register, a newspaper having circulation in the area of concern.

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

C. Appearances

At the second day of hearing, the applicant appeared through its president, William Scalzi, without counsel. The applicant's mailing address is P.O. Box 26094, West Haven, Connecticut.

Sheldon Lubin, staff member of the Regulatory and Compliance Unit of the department attended the hearing.

No opposition was filed to the instant application.

II. FINDINGS OF FACT

1. The applicant seeks authorization for taxicab authority for one vehicle within and to and from Guilford primarily to provide taxicab transportation for special education students.

2. Connecticut General Statutes Section 10-76d(e) provides in pertinent part "Any local or regional board of education which provides special education pursuant to any mandates in this section shall provide transportation, to and from, but not beyond the curb of, the residence of a child....."

3. Coordinated Transportation Solutions is a transportation broker that provides transportation for special education students in Guilford.

4. Coordinated Transportation Solutions has clients who have destinations within Guilford and within other territories in which Metro Taxi has authority.

5. The applicant's vehicles comply with the special licensing requirements for student transportation and are currently being used within the applicant's territory and surrounding territory.

6. No other taxicabs authorized within Guilford have motor vehicles that meet the requirements for student transportation vehicles.

7. The addition of one taxicab vehicle licensed and registered as a student transportation vehicle, within and to and from Guilford, will make the transportation for special education students more accessible.

8. No opposition was presented to the application.

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.

The applicant has been in the taxicab business for several years. While the applicant has had a citation matter arise occasionally, all have been successfully resolved. The last citation matter involving the applicant was resolved in 2005 and there have been no incidents since. The management of the applicant, therefore, possess the requisite suitability to operate the additional vehicle requested.

The applicant provided evidence in support of financial wherewithal as follows: Ordinary net income for the year totaled \$649,400. The applicant provided proof of cash balance in a self-insurance fund, which totals approximately \$353,918. Total sales revenue for the applicant in 2006 was \$649,400. There is substantial evidence on the record to conclude that the applicant possesses the financial wherewithal to operate the proposed additional vehicle.

William Scalzi, the president of the applicant testified that the applicant seeks one vehicle for transportation of special education students. The existing taxicab company cannot provide service to special education students as they do not have the special licensing required. The applicant has the specially licensed vehicles and drivers to provide special education transportation. Based on the testimony and documentary evidence, the applicant is suitable to operate the proposed service.

Coordinated Transportation Solutions provided support to the applicant with regard to the need for special education transportation. Coordinated Transportation Solutions corroborated the applicant's argument that it is the only taxicab company licensed to provide special education transportation. The addition of this taxicab, as a student transportation vehicle, will provide this segment of the population accessible transportation. The currently authorized taxicab company in Guilford does not maintain the special licensing for student transportation. The public convenience and necessity, therefore, requires the addition of a taxicab for special education students.

As for the authority to operate within and to and from Guilford for other than student transportation, the applicant failed to provide evidence in support of public convenience and necessity.

IV. CONCLUSIONS OF LAW

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, there is substantial evidence on the record to

conclude that the applicant has proven that the public's convenience and necessity requires the operation of a taxicab for special education transportation within, and to and from, Guilford to all points in Connecticut, the applicant is suitable to operate such service and the applicant also maintains the financial wherewithal to operate the additional vehicle.

V. ORDER

The application of Transportation General, Inc. dba Metro Taxi for one taxicab within and to and from Guilford is hereby approved, in part, and taxicab Certificate Number 86 is hereby amended and reissued as follows:

TAXICAB CERTIFICATE NO.86 FOR THE OPERATION OF MOTOR VEHICLE IN TAXICAB SERVICE

Transportation General, Inc. dba Metro Taxi is hereby permitted and authorized to operate ONE HUNDRED FORTY-TWO (142) motor vehicles in TAXICAB SERVICE as listed below:

- A. ONE HUNDRED SIXTEEN (116) motor vehicles within and to and from East Haven and New Haven.
- B. ONE HUNDRED SEVEN (107) of the motor vehicles in Paragraph A, above, can be used in Hamden, West Haven and Woodbridge.
- C. SIX (6) of the motor vehicles in Paragraph A, above, can be used in Branford and North Branford.
- D. TWO (2) motor vehicles within, and to and from, Branford and North Branford.
- E. TWO (2) motor vehicles within, and to and from, North Haven.
- F. SEVENTEEN (17) motor vehicles within, and to and from, Meriden.
- G. FOUR (4) motor vehicles within, and to and from, Wallingford.
- H. ONE (1) motor vehicle, **limited to a student transportation vehicle**, in taxicab service within and to and from Guilford to all points in Connecticut.

RESTRICTIONS

This Certificate may not be sold or transferred until it has been operational, i.e., a vehicle registered with a taxi plate thereunder, for not less than twenty-four (24)


consecutive months. This Certificate is transferable only with the approval of the Department.

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

This Certificate is transferable only with the approval of the Department and is issued subject to compliance by the holder hereof with all motor vehicle laws of the State of Connecticut, and with such rules, regulations and orders as this Department may from time to time prescribe.

Dated at Newington, Connecticut, on this 5th day of June 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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