



*File*  
**STATE OF CONNECTICUT**  
**DEPARTMENT OF TRANSPORTATION**



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**DOCKET NO. 0602-N-03-T**

RE: APPLICATION OF AMAR PARACHA DBA BRADLEY TAXI TO OPERATE ONE (1) MOTOR VEHICLE, IN TAXICAB SERVICE, WITHIN AND TO AND FROM HARTFORD TO ALL POINTS IN CONNECTICUT.

**AMENDED FINAL DECISION**

October 30, 2007

## I. BACKGROUND

On July 26, 2006, a hearing was held on the Application of Amar Paracha dba Bradley Taxi. At the conclusion of the hearing, and after due consideration of the evidence of record, a final decision was rendered on September 18, 2006. On October 26, 2006, an appeal of the Final Decision filed with the Superior Court in the judicial district of New Britain.

By agreement of the parties and by order of the court, the case was remanded to the Department of Transportation for further hearing on two narrow issues. The hearing was held and the following is a result of the opening of the record. The following final decision has been amended to reflect the facts and conclusions reached from consideration of the evidence in the second hearing.

## II. OPENING OF THE RECORD

The allegation asserted by the plaintiffs (intervenor in the original hearing) is that a conflict exists between Finding of Fact No. 4 along with an aspect of the Department Analysis/Conclusions of Law and the Regulations of Connecticut State Agencies.

More specifically, Finding of Fact No. 4 stated "The applicant will operate the business on a 24-hour schedule." (Final Decision, Page 3.) In the Department Analysis and Conclusions of Law section of the final decision, this hearing officer stated "In support of suitability, the applicant applied for a taxicab certificate for only one vehicle and he intends to drive the vehicle himself. He, therefore, did not provide evidence of additional drivers." (Final Decision, Page 4.)

Regulations of Connecticut State Agencies Section 13b-96-18(a) provides "Each taxicab company shall operate on a twenty-four (24) hour basis, every day of the year, unless otherwise approved by the commissioner. Regulations of Connecticut State Agencies Section 13b-96-27(5) provides "No certificate holder or taxicab driver shall.... Permit the driver of a taxicab to work a shift longer than twelve (12) hours or longer than sixteen (16) hours within a twenty-four (24) hour consecutive period."

Accordingly, a public hearing was scheduled and held on October 17, 2007 on the limited issues of 1) The applicant's hours of operation, as required by Regulations of Connecticut State Agencies Section 13b-96-18(a) and 2) The availability of qualified taxicab operators, as required by Regulations of Connecticut State Agencies Section 13b-96-27(5). The hearing was held at the administrative office of the department.

The following companies were present for the hearing on the opening of the record:

Amar Paracha dba Bradley Taxi, 9 Sutton Place Bloomfield, Connecticut – holder of Certificate No. 1197;  
Tanveer Amjid, Airport Taxi, 239 High Path Road, Windsor, Connecticut – holder of Certificate No. 1025;

United Cab, P.O. Box 1504, West Suffield, Connecticut – holder of Certificate No. 1078;  
Grigory Bratlavsky dba Grigory's Taxi Company, 78 Crownridge, Newington, Connecticut – holder of Certificate No. 1084;  
Carl Gilberto dba Carl's Taxi, 81 Lake Drive, East Hampton, Connecticut, holder of Certificate No. 1162.

Speaking for the collective group of intervenors, Marco Henry, owner of The Yellow Cab Company dba Yellow Cab, 36 Granby Street, Bloomfield, Connecticut – holder of Certificate No. 1 (who was not designated an intervenor).

Paracha provided testimony that the company works twenty-four (24) hours per day. He introduced into evidence a copy of the telephone yellow-pages advertisement listing Bradley Taxi's telephone number and availability, listed as 24 hours. Additionally, Paracha testified that he has a driver working for him by the name of Mohammad Nusrat. The driver signed a statement that he works for the applicant which was entered into evidence, along with proof of insurance. Lastly, Paracha entered into evidence a copy of Nusrat's driver's license.

The intervenors argue that the endorsement listed on Nursat's driver's license does not meet the criteria for passenger transportation and thus, Nursat is not a qualified taxicab driver. However, Connecticut General Statutes Section 14-36a(c) provides in pertinent part:

A commercial driver's license or a class D license that contains any of the following endorsements evidences that the holder meets the requirements of section 14-44: *"F" – authorizes the transportation of passengers in a taxicab, motor vehicle in livery service, service bus or motor bus* (emphasis added).

The intervenors also argued regarding the applicant's operation in addition to requests for trip sheets. These issues were not included by the court as a basis for the opening of the record. The request for Bradley Taxi trip sheets was denied. The intervenors were advised to contact the Regulatory and Compliance Unit of the department for issues that require investigation if they have evidence that Bradley Taxi is not operating within the guidelines of the statutes and regulations.

Based on the additional evidence pertinent to the two issues to be decided in this matter, I conclude, as a matter of law, that the applicant operates twenty-four (24) hours per day and that the applicant has a qualified driver. The evidence supports the conclusion that the applicant is suitable to operate the taxicab service.

The following is decision is amended to reflect the additional findings and conclusions.

### III. INTRODUCTION

#### A. Applicant's Proposal

By application filed on February 9, 2006, with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Amar Paracha dba Bradley Taxi (hereinafter "applicant") of 19 Sutton Place, Bloomfield, Connecticut, seeks authorization to operate one motor vehicle, in taxicab service, within and to and from Hartford 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 held at the administrative offices of the Department in Newington, Connecticut, on July 13, 2006.

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 Hartford Courant, 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

Amar Paracha appeared on his own behalf without counsel. The applicant's mailing address is 19 Sutton Place, Bloomfield, Connecticut.

Marco Henry filed a petition for party status and appeared on behalf of The Yellow Cab Company dba Yellow Cab (Certificate No. 1), 86 Granby Street, Bloomfield, Connecticut; Metro Taxi Co., Inc. dba Yellow Cab (Certificate No. 1100), 86 Granby Street, Bloomfield, Connecticut; Star Taxi, Inc. dba Yellow Cab, 86 Granby Street, Bloomfield, Connecticut. Party and intervenor status were denied based on the untimely filing of their petitions, however, Henry was afforded the opportunity to make a statement at the close of the applicant's evidence.

A petition for party status was timely filed and signed by several taxicab companies who operate in Hartford. The petition for party status was denied, however, the companies were granted intervenor status in the interest of justice with rights of cross-examination. Edward Mcghie dba United Cab Co. (Certificate No. 1078), P.O. Box 1504, West Suffield, Connecticut represented the companies on the petition who were present at the hearing. They are:

William G. Saunders dba Bill's Taxi (Certificate No. 1080), 2 Richard Lane, Bloomfield, CT

Grigory Bratlasvsky dba Grigory's Taxi Company (Certificate No. 1084), 78 Crownridge, Newington, CT

Tanveer Amjid dba Airport Taxi (Certificate No. 1025), 239 High Path Road, Windsor, CT

Carl Gilberto dba Carl's Taxi (Certificate No. 1162), 81 Lake Drive, East Hampton, CT

George Samuels dba George Taxi (Certificate No. 1024), 43 Hayden Avenue, Windsor, CT

Sheldon Lubin, Public Utilities Examiner with the Regulatory and Compliance Unit of the Department, was present at the hearing.

#### IV. FINDINGS OF FACT

1. The applicant seeks to operate one taxicab, within and to and from Hartford. Although the applicant believed that the service area he was applying for was the Hartford County area, he now understands that the service area is within and to and from the city of Hartford.

2. The applicant has prior experience with driving taxicabs. The applicant drove a taxicab for Executive 2000 during 2001- 2002, for Ace Taxi during 2002 - 2004 and for Valley Cab from 2005 to the present.

3. The applicant's management plan includes publishing advertisements in the telephone book yellow pages.

4. The applicant will operate the business on a 24-hour schedule.

5. Mohammad A. Nusrat is a driver for the applicant company. Nusrat holds a Connecticut driver's license with an endorsement "F".

6. The applicant has no criminal convictions or negative driving history.

7. Arnold Beizer is an attorney who practices law in Hartford on a part-time basis. He has used the applicant as a taxicab driver for two to three years. Beizer had difficulty with other providers in Hartford. He had called other providers who never showed up to take him to the airport, who would often be late and who were rude or who had dirty taxicabs. Since using Paracha as a driver, he has always had good service.

8. Lynda Caquias is a Hartford resident. She has had difficulty with getting a taxicab to her medical appointments. She has seen taxicabs parked at the train station in Hartford; however, they do not come when she calls for service. She has had a problem with Yellow Cab and with State provided transportation. She has also had to wait up to a

half hour to an hour for pick up.

9. As of July 3, 2006, the applicant had a cash balance in the amount of \$23,391.

10. The applicant proposes to purchase a 2002 Lincoln Town Car at a cost of approximately \$18,300 and has an insurance estimate of \$6,206 per year. The applicant plans to finance the cost of the vehicle and pay the insurance premium outright.

11. The applicant's estimate for the annual cost of gasoline is approximately \$6000 and vehicle maintenance and repair is approximately \$2000.

#### V. DEPARTMENT ANALYSIS & CONCLUSIONS OF LAW

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 financial wherewithal, the applicant testified and provided proof of a cash balance in the amount of \$23,391 as of July 3, 2006. The applicant will purchase a 2002 Lincoln Town Car and will finance the purchase. Paracha will pay outright the insurance for the vehicle. The applicant has taken into consideration the costs that will be expended for gasoline for the year and for maintenance of the vehicle. Based on the evidence, the applicant possesses the financial resources to operate the proposed service.

In support of suitability, the applicant applied for a taxicab certificate for only one vehicle. Paracha is a driver for the company and he has an additional driver with whom he shares the driving for the twenty-four (24) hours that the business operates on a daily basis. The applicant has neither criminal convictions nor any driving infractions. Paracha

has a business plan that includes advertisement in the telephone book yellow pages and in newspapers.

The opposition in this matter brought up the question of the applicant's intent to operate and where the applicant's service would be. Paracha indicated on his application that he would operate in the Hartford County area which, in his understanding, included the 16 towns of the area previously known as the Greater Hartford Transit District. This geographic area is no longer in effect and each town in which service is sought must be specifically indicated on an application for taxicab service.

The opposition argued that Paracha is not familiar with the statutes, regulations and orders of the Department that govern the taxicab industry and that this unfamiliarity would be a detriment to the taxicab industry. One example of this, argued the opposition, is the fact that Paracha intended to operate in Bloomfield and throughout Hartford County. Although this is a misconception on the part of Parachia, he received an explanation of the actual territory requirement and further, was advised that the Greater Hartford Transit District territory was no longer valid. It is the belief of this hearing officer that Paracha misunderstood the territory requirement based on other operators' territory, which includes the towns of the former Greater Hartford Transit District.

When the territory issue was brought to the attention of Paracha, he understood the difference and testified that he would only work within and to and from Hartford. He testified that he would follow the requirements of industry regulation. However, any grant of authority will require Paracha to read the statutes and regulations governing the taxicab industry. Based on the evidence of record, the applicant is found suitable to operate the proposed service.

Lastly, the applicant must prove public convenience and necessity requires the grant of authority. In support of this requirement witness Arnold Beizer testified on behalf of the applicant. Beizer is an attorney who now practices law on a part-time basis in Hartford. He has known the applicant for the past three years. Beizer met Paracha when he was looking for a taxicab to take him to the airport as he was frequently traveling between Connecticut and Florida. Beizer had difficulty with other taxicab providers who either did not show up at the specified time, who showed up late for the ride or whose cars were dirty and drivers rude. Paracha worked at another taxicab company and Beizer became his client. Since then, within the past year, Beizer had problems with other companies when he could not get Paracha to provide a ride.

In addition to Beizer, Lynda Caquias testified that she has had problems with getting taxicabs in Hartford. She has experienced problems with Yellow Cab and with some State provided transportation. Caquias was instrumental in circulating a petition and gathered several hundred names in support of additional taxicabs in Hartford and surrounding areas. This petition will not be used in the determination of public convenience and necessity because the signatories were not available for cross-examination. See Norwalk Yellow Cab v. Department of Transportation, Memorandum of Decision CV93 0704676, Judicial District of Hartford/New Britain (1994).

The opposition argued that there is no need for additional vehicles in Hartford. They testified that the applicant did not prove this element. However, it is difficult to discount two witnesses who testified that they have had problems getting taxicabs in Hartford, or getting taxicabs that were reliable, clean and with courteous drivers. Based on the evidence, therefore, I conclude that the public's convenience and necessity requires the grant of authority for one taxicab.

## VI. ORDER

Based on the above, the application of Amar Paracha dba Bradley Taxi is hereby approved in accordance with Connecticut General Statutes Section 13b-97, as amended. Subject to the following requirements and restrictions the following taxicab certificate is hereby issued in the name of Amar Paracha dba Bradley Taxi:

TAXICAB CERTIFICATE NO.1197  
FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE

Amar Paracha dba Bradley Taxi of Bloomfield, Connecticut, is hereby permitted and authorized to operate **ONE (1) motor vehicle**, in taxicab service, within and to and from **HARTFORD** to all points in Connecticut.

### **REQUIREMENTS TO BE MET PRIOR TO REGISTRATION OF THE VEHICLE APPROVED HEREIN:**

1. Amar Paracha is hereby ordered to review the Connecticut General Statutes Sections 13b-97 through 13b-100 and Regulations of Connecticut State Agencies Sections 13b-96-1 through 13b-96-51 and attest, in writing, that he has done so within 15 days from the date of this final decision.

2. Amar Paracha is hereby ordered to meet with an investigator with the Department's Regulatory and Compliance Unit and review with the investigator the territory in which Paracha is authorized and the limits of that authority. Paracha is ordered to attest, in writing with a sign off from the investigator, that Paracha has done so within 15 days from the date of this final decision.

**The two documents attesting that the requirements have been met must be filed in the certificate holder's permanent file after being forwarded to the Administrative Law Unit for review and approval.**

3. Amar Paracha is hereby ordered to file with the Regulatory and Compliance Unit a new tariff sheet with the correct prevailing rate for the territory.

4. Amar Paracha dba Bradley Taxi must register its vehicle within 30 day from the date of this final decision.



RESTRICTIONS

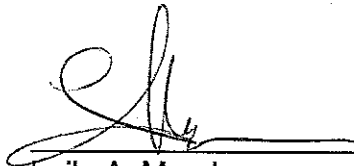
This Certificate may not be sold or transferred until it has been operational, i.e., a vehicle registered with a taxi plate thereunder, for not less than twenty-four (24) consecutive months. This Certificate is transferable only with the approval of the Department.

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 the 30<sup>th</sup> day of October 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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Laila A. Mandour  
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