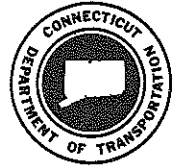


STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NO. 0811-AV-182-T

RE: APPLICATION OF HERITAGE LIVERY SERVICE, INC. D.B.A. HERITAGE TAXI SEEKING AUTHORIZATION TO OPERATE FIVE (5) ADDITIONAL MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM BRANFORD, GUILFORD, MADISON, EAST HAVEN, WEST HAVEN, NORTH HAVEN, NEW HAVEN, NORTH BRANFORD, ORANGE, CHESHIRE, WOODBRIDGE, MILFORD AND HAMDEN.

FINAL DECISION

October 27, 2010

## I. INTRODUCTION

### A. Applicant's Proposal

By application filed on November 13, 2008, with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Heritage Livery Service, Inc. d.b.a. Heritage Taxi (hereinafter "applicant") of 1140 Main Street, Branford, Connecticut, seeks authorization to operate five (5) motor vehicles in taxicab service, within and to and from Branford, Guilford, Madison, East Haven, West Haven, North Haven, New Haven, North Branford, Orange, Cheshire, Woodbridge, Milford, and Hamden.

### 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 New Haven City Hall on August 3, 2010 and August 4, 2010 and at the Department's office in Newington on September 22, 2010.

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. 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

Gerald Walthal appeared pro se on behalf of the applicant. The applicant's address is 1140 Main Street, Branford, Connecticut.

William Scalzi or his representative, Mohammed Minhas, appeared on behalf of the intervenor, Transportation General d.b.a. Metro Taxi which was granted intervenor status in all of the towns requested except Cheshire and Madison. The intervenor was represented by Mary Alice Moore, Esq. with a mailing address of 102 Oak Street, Hartford, Connecticut.

Richard Ficorilli appeared pro se as an intervenor on behalf of Shoreline Taxi. Shoreline Taxi was granted intervenor status in Madison and Guilford. Shoreline Taxi's address is 415 Briarwood, Guilford, Connecticut 06437.

Sheldon Lubin, a member of the Regulatory and Compliance Unit of the Department, was present.

D. Administrative Notice

Administrative notice was taken of the certificate of Metro Taxi which authorizes the operation of One Hundred Forty-Two (142) motor vehicles in taxicab service as listed below:

1. One Hundred Sixteen (116) vehicles in East Haven and New Haven.
2. One Hundred Seven (107) of the vehicles in section 1 can also be used in Hamden, West Haven and Woodbridge.
3. Six (6) of the vehicles in section 1 can be used in Branford and North Branford.
4. Two (2) vehicles in Branford and North Branford.
5. Two (2) vehicles in North Haven.
6. Seventeen (17) vehicles in Meriden.
7. Four (4) vehicles in Wallingford.
8. One (1) motor vehicle, limited to a student transportation vehicle, in taxicab service within and to and from Guilford to all points in Connecticut.
9. Two (2) vehicles in section 1 can also be used in Orange and Milford.

Administrative notice was taken of the telephone number of Metro Taxi (777-7777) and the fact that they operate taxicab service in Milford.

Administrative notice was taken of certificate 1149 for Heritage Taxi. Heritage Taxi is authorized to operate five (5) vehicles within and to and from Branford, East Haven, New Haven and West Haven. One of these vehicles may also be used in Hamden. Two other vehicles may be used in Milford.

Administrative notice was also taken of all of the taxicab operators who are operating in the same service area the applicant is seeking:

1. Aguyaza Segundo d.b.a. Ecuamex Taxi-East Haven, Hamden, New Haven and West Haven.
2. A/USA Latin Taxi, LLC-Cheshire, Hamden and West Haven.
3. Alfonson S. Campoverde d.b.a. Express Taxi-Hamden and New Haven.
4. A Star Taxi, LLC-Cheshire, New Haven and Hamden.

5. Bengal USA Taxi, LLC-Hamden.
6. Bulldog Taxi, LLC-Cheshire, Hamden and New Haven.
7. Citywide Taxi, LLC-Hamden and New Haven.
8. Coastal Transportation & Lodging d.b.a. New Haven-Milford Taxi-Milford, Orange, New Haven, East Haven and West Haven.
9. Donel Ballard d.b.a. Quick Taxi-Hamden, New Haven and West Haven.
10. Easy-One Taxi, LLC-Cheshire, Hamden and New Haven.
11. Edward Earl Suggs d.b.a. Yellow Taxi-East Haven, Hamden, New Haven, North Haven, Wallingford and West Haven.
12. Fairfield County Transportation d.b.a. Metro Taxi-Cheshire.
13. Flavio Q. Zea-Hamden and West Haven.
14. Heritage Livery Service, Inc.-Branford, East Haven, New Haven West Haven, Hamden and Milford.
15. Horizon Cab Co, LLC-Hamden, New Haven and West Haven.
16. Rene Huges d.b.a. Lucy's Taxi-East Haven, Hamden, New Haven and West Haven.
17. J and F Express, LLC-Hamden and New Haven.
18. MD Akbar Uddin d.b.a. Unique Taxi-Hamden.
19. Michael A. Jazinski d.b.a Shoreline Taxi-Clinton, Madison and Guilford.
20. Micro Taxi, LLC-Cheshire, Hamden and New Haven.
21. Mohammed Liakot d.b.a. Maxi Taxi-Hamden and New Haven.
22. David & Elias Rizek d.b.a. Dominican USA Taxi-Hamden, New Haven and West Haven.
23. Khan Salahuddin d.b.a. Connecticut Taxi-Hamden, New Haven and West Haven.
24. Transportation General, Inc. d.b.a. Metro Taxi-See authority above.

25. Michael Wolkovitz d.b.a. Checker Cab-New Haven.
26. Yale Taxi, LLC.-Cheshire, Hamden and New Haven.

## II. FINDINGS OF FACT

1. The applicant seeks to remove the restriction that it has on its taxicab certificate which will allow it to operate any of its vehicles in its service area. The applicant also seeks an increase of five taxicabs and to expand its existing territory.
2. Mr. Walthal has experience driving a taxicab for many years and operating his own taxicab business since 2002. The applicant is authorized to operate five vehicles in taxicab service within and to and from Branford, East Haven, New Haven and West Haven. One of these vehicles may also be used in Hamden. Two taxicabs may also be used in Milford.
3. Michael Doti is the General Manager of the Branford Firestone. The company uses their own truck several times a day to drive patrons to their destination because of a lack of taxicab service in Branford. When he calls for a taxicab his patrons have to wait twenty-five to forty-five minutes or more. While the applicant gets some of his maintenance work performed at Firestone, it is only one of many facilities that he uses for vehicle service.
4. Irene Pantages is a New Haven resident, who prefers to use Heritage Taxi and calls for service about six times a week. Sometimes she is unable to get a ride from Heritage Taxi. She also had difficulty getting a taxicab for a trip within Milford due to the restrictions on Heritage Taxi. On one occasion, Ms. Pantages had difficulty securing a taxicab in Hamden after a hair appointment. She always calls at least two hours in advance for taxicab service. She has found some of the local taxicab services to be unreliable with unclean taxicabs.
5. Harriett Twain is a New Haven resident. She uses taxicab service four to six times per week. She prefers Heritage Taxi because she likes how they drive and the cleanliness of the vehicles. She has had problems getting a taxicab from Heritage Taxi when not booking in advance.
6. Alice Marsh is a New Haven resident who uses taxicabs three to four times a month. She prefers Heritage because she gets an honest answer as to when she is going to get a taxicab.
7. Ann Nelson is a Milford Resident who had difficulty getting taxicabs in Milford. On one occasion she had to go to the hospital in New Haven and was unable to get a taxicab. She also had difficulty getting a taxicab in Milford at the train station on a Friday night.
8. Domonic Mongillo is a Milford Taxi driver who claims that the taxicab business is bad in Milford.

9. Laurie Jarvis is a Milford resident who relies on daily Milford taxicab service. She uses one taxicab for the whole day for various appointments to doctors, therapy and shopping. She also needs to have a taxicab from the Milford train station. Ms. Jarvis has missed appointments because of late taxicab service. She tried to get a taxicab twice at the Milford train station and was turned down by Milford-New Haven Taxi because she is a Heritage Taxi customer.

10. Mohammed Minhas is the Operations Manager for Metro Taxi. Drivers can perform twenty-five to thirty trips per shift on average. The drivers actually perform ten to twelve trips per shift. The company has approximately one hundred ten (110) cars on the road. The full Metro Taxi fleet is one hundred forty-seven (147) in the New Haven area. The average response time is eight minutes.

11. The intervenor, Metro Taxi, presented a photograph of a Heritage Taxi driver loading a passenger in a Heritage Taxi in front of City Hall. The driver was wearing a tank top in violation of the Regulations of Connecticut State Agencies Section 13b-96-28(b)(1) which requires a shirt with sleeves be worn by all taxicab drivers.

12. An analysis of the Shoreline Taxi trip sheets from June 2010 reflects an average of ten trips per day between two cars which service Clinton, Guilford and Madison.

13. The applicant presented no evidence on the need for taxicab service in Guilford, Madison, East Haven, West Haven, Woodbridge, North Branford, Orange and Cheshire.

14. Rosanne Marsico is a call center manager at Metro Taxi. She testified that Metro Taxi's business is down in the New Haven area.

### III. DEPARTMENT ANALYSIS

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 Connecticut General Statutes 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.

With regard to public convenience and necessity, the applicant presented some evidence of need in Branford, Milford, New Haven and Hamden. The evidence presented, however, did not show that the applicant needed more vehicles but rather that the applicant's certificate was not written in a way that allowed the applicant to operate effectively. The applicant's certificate limits the company's ability to send taxicabs to perform the services needed by the public. The public would be better served by allowing the applicant to utilize all seven motor vehicles in all of the towns it is allowed to operate in. For this reason, the certificate will be rewritten to allow the applicant's current vehicles to be utilized in its entire service area. This change will give both the applicant and the public a greater opportunity to utilize the applicant's service effectively and will alleviate the public's complaints about the lack of service in the New Haven area.

The applicant failed to produce any evidence of need for taxicab service in Guilford, Madison, Woodbridge, North Branford, Orange and Cheshire. The intervenor, Shoreline Taxi, presented trip sheets showing low vehicle utilization in its service area of Guilford and Madison. Therefore, the applicant will not be allowed to expand into these areas in which no showing of need was made.

In support of financial wherewithal, the applicant presented information that reflects that the applicant's insurance premium will be \$3,813 per vehicle. The company is operating 2000-2003 Lincolns. These vehicles are valued at \$3,000 to \$7,000. It is estimated that the company will spend approximately \$50,000 more for vehicles if the application is awarded. The applicant has \$57,930.01 in cash in its bank and money market accounts, which are in the company name and lines of credit worth \$147,513. Based on the evidence presented, the applicant has sufficient assets to operate the proposed service.

On the issue of suitability the applicant presented a criminal record check which reflects no criminal record for Mr. Walthal. Mr. Walthal has been in the taxicab business for several years without incident and has an understanding of the rules and regulations which govern taxicab service. Since the applicant is not receiving any extra vehicles in this application, the applicant's current drivers should suffice.

The intervenor, Metro Taxi, submitted photos of one of the applicant's taxicabs taken the day of the hearing. The applicant's driver is not wearing a shirt with sleeves as required by the Regulations of Connecticut State Agencies Section 13b-96-28(b)(1). The applicant is on notice that this matter will be referred to the Regulatory and Compliance Unit for further investigation. Since this is a minor violation, it will not be held against the applicant with regard to suitability in this matter.

Based on the evidence presented, the application will be granted in part to remove the restriction on its certificate which will allow better service to the applicant's customers and the public.

IV. CONCLUSION AND ORDER

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Heritage Livery Service, Inc. d.b.a. Heritage Taxi is hereby granted in part and Certificate Number 1149 is hereby amended and reissued as follows:

TAXICAB CERTIFICATE NUMBER 1149  
FOR THE OPERATION OF MOTOR VEHICLE IN TAXICAB SERVICE

Heritage Livery Service, Inc. d.b.a. Heritage Taxi is permitted and authorized to operate seven (7) motor vehicles within and to and from Branford, New Haven, Milford, East Haven, West Haven and Hamden.

RESTRICTIONS:

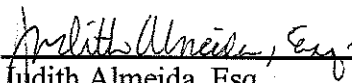
This certificate may not be sold or transferred until it has been operational, i.e. a vehicle registered with a taxicab plate there under, for not less than twenty-four (24) consecutive months. This certificate is transferable only with the approval of the Department.

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 27th day of October 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

  
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Judith Almeida, Esq.  
Staff Attorney III  
Administrative Law Unit  
Bureau of Public Transportation