

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0911-AS-86-T

RE: APPLICATION OF SUBURBAN TRANSPORTATION, INC.
D/B/A VALLEY CAB TO OPERATE EIGHT (8) MOTOR
VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND
FROM BETHLEHEM, CORNWALL, GOSHEN, MORRIS,
NEW MILFORD, WARREN, WASHINGTON AND
WOLCOTT TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

July 13, 2010

I. INTRODUCTION

A. Applicant's Proposal

By application filed on November 20, 2009, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes Suburban Transportation, Inc. d/b/a Valley Cab (hereinafter "applicant") of 320 East Street, Plainville, Connecticut, seeks authorization to operate eight (8) motor vehicles in taxicab service within and to and from Bethlehem, Cornwall, Goshen, Morris, New Milford, Warren, Washington and Wolcott to all points in Connecticut.

The applicant is currently the holder of taxicab certificate number 1144 and is authorized to operate in several towns in northern 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 June 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 General Statutes, as amended. Notice to the public was given by publication on the Department of Transportation website at www.ct.gov/dot.

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

The applicant appeared through Shaukat Dode and David Lill, owner and manager, respectively. The applicant was represented by Marc N. Needelman, Esq. whose address is 800 Cottage Grove Road, Suite 313, Bloomfield, Connecticut.

No petitions were filed for, and no one appeared at the hearing seeking, party or intervenor status.

Sheldon Lubin, utilities examiner with the Regulatory and Compliance Unit, was present at the hearing.

D. Administrative Notice

Suburban Transportation, Inc. d/b/a Valley Cab does not hold authority to operate in Andover, Bolton, Coventry, Stafford or Union, Connecticut and does not operate within those towns.

There is currently no taxicab service in the towns of concern.

II. FINDINGS OF FACT

1. Shaukat Dode is the owner of the applicant company and manages the company along with David Lill, general manager.

2. The applicant holds taxicab authority in Winchester, Torrington, Litchfield and Thomaston which are contiguous to Goshen, Warren, Morris, and Washington.

3. Since receiving authority in Torrington and contiguous towns to those requested, the applicant has been advertising taxicab service in the local telephone book. Because of this advertising, the applicant has been receiving an increase in the volume of calls from the subject towns for this application.

4. There is no taxicab service in any of the towns of concern.

5. Claude Bisson works for Logisticare Solutions, a transportation broker for the Department of Social Services in the State of Connecticut who provides wheelchair and ambulatory transportation services for non-emergency transportation for Medicaid clients.

6. Logisticare Solutions provides said transportation service to five of the seven regions, including the northwest region of the state.

7. Population is sparse in the area of concern (northwest region of the State) and availability of transportation to support Logisticare's non-emergency transportation is limited. Logisticare wishes to use the applicant's service in the area of concern for non-emergency transportation.

8. The applicant's rates and charges for service under contract are not subject to any existing tariff schedule in the area of concern pursuant to Connecticut General Statutes Section 13b-96(b)(1). Taxicab service for the public, however, is subject to the rate schedule previously established and in effect in the area of concern.

9. Cynthia Engle lives in Bethlehem, Connecticut. She does not own an operating vehicle. She has had to rely on friends and relatives to get rides within the town or a neighboring town. She has inquired about local buses but has not received a response. Engle has to travel out of town to go grocery shopping – she will use a Waterbury cab and shop in Waterbury. She supports a local taxicab company.

10. Natverlal Patel lives in Cornwall Bridge, Connecticut, which is a part of the town Cornwall. Patel has owned the Hitching Post Country Motel in Cornwall Bridge since 1989. The motel is located on the Appalachian Trail. There is no taxicab service in Cornwall.

11. Approximately 10,000 guests per year, including hikers, stay at the Hitching Post Country Motel. There is no bus transportation or town transportation in Cornwall so that Patel must take his guests where they want to go or he loans them his car. There is no other way for his guests to travel around the area.

12. Jana Golova lives in New Preston, Connecticut, which is a part of the town of Washington. Golova does not have a car. Her child goes to school in Washington, Connecticut and sometimes if he misses the bus, she has no way to get him to school. There is no public transportation in the area. She has to rely on friends and neighbors for local transportation.

13. Jackie Alexander lives in New Milford, Connecticut and has one vehicle her husband uses to go to work. Alexander does not have any other form of transportation and supports a local company. She has a problem getting to doctors offices and other places to the north. Alexander owns and lives in a three family house. One of her renters has no transportation to get to local areas. Alexander has driven her to different places because there was no taxicab service. Further, Alexander is a member of a knitting club at the senior center. She is aware that there are a several seniors who do not drive at night and cannot and do not go to functions in the evening because of lack of transportation.

14. Sulejman Bejleri has lived in Wolcott, Connecticut for the past nine years. He has had need for taxicab service when his car is out of service.

15. Surinder Bharara lives in Morris, Connecticut and has no bus service or taxicab service in the area. He has family from out of state and out of the country who come to visit and who have no way to travel within the area of concern when Bharara cannot chauffeur them.

16. The applicant's owners have no criminal conviction history.

17. The applicant has cash in the amount of \$34,700 as of May 2010. The applicant's total assets are \$311,736, liabilities in the amount of \$39,223. The applicant's equity/capital is \$272,513.

18. The annual insurance premium is \$3,600 per vehicle.

19. The applicant's estimated cost for maintenance and repairs per vehicle per six months is approximately \$1,600. The fuel is to be paid by the driver.

20. The vehicles that the applicant expects to purchase have an average cost of \$8,910 and the applicant will finance them.

21. The drivers that the applicant will use will come from the local areas in which the applicant seeks to operate.

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's plan for the requested vehicles in the subject towns is to begin a second operational office in Bantam area. The drivers that the applicant will hire to drive these additional vehicles will be from the subject area and the drivers will keep the cars at their homes. The applicant will pay for insurance for the vehicles and all of the vehicles would be inspected prior to being placed into service. The applicant possesses the funds to place the vehicles in service and to maintain the expanded service for a minimum of six months.

The applicant's management has no criminal convictions. The applicant has been in operation for several years without incident. No evidence was presented on the record to contravene the applicant's evidence that its management is suitable to operate the proposed service.

With respect to public convenience and necessity, several witnesses testified in support of the applicant's proposal. The witnesses stated that their respective towns, Bethlehem, Cornwall, Washington, New Milford, Wolcott and Morris have no public transportation. Further, the records of the department show that there are no taxicab providers for these towns, nor do Goshen and Warren have taxicab service. There is no question that these towns would benefit from the availability of taxicab service. Therefore, the public convenience and necessity require the operation of taxicabs in those areas.

In that regard, the applicant requests authority to place eight vehicles in service within and to and from the town of Wolcott, in addition to Bethlehem, Cornwall, Goshen, Morris, New Milford, Warren and Washington. Wolcott is not contiguous to the subject territory – it is separated by Watertown and the applicant would have to drive through Watertown to service Wolcott. It would not be convenient for the public to have to wait for a taxicab to drive through Watertown for service. Nor would such a trip be cost-effective – although taxicab service would benefit Wolcott and its public convenience and necessity requires it.

The most efficient and convenient service to Wolcott would be from Bristol which is a town contiguous to Wolcott and in which the applicant currently holds authority for six vehicles in taxicab service. Accordingly, Wolcott will be merged with the applicant's Bristol authority, providing the public with the use of six (6) taxicabs from the Bristol area. The Bristol authority should be able to meet the need in Wolcott.

Because Wolcott will be merged with Bristol, the need for the same number of taxicabs in the remainder of the territory requested (Bethlehem, Cornwall, Goshen, Morris, New Milford, Warren and Washington) is reduced. That is to say that if Wolcott was appended to Bethlehem, Cornwall, Goshen, Morris, New Milford, Warren and Washington, it would be reasonable to have an additional two vehicles to drive the expanse through Watertown to get to the non-contiguous territory of Wolcott. With Wolcott appended to the Bristol territory, the number of taxicabs required in the remainder of the towns is reduced. Six vehicles should be able to meet the need that exists in those towns. Should the applicant find that the public's necessity for additional taxicabs cannot be met, then the applicant may file for additional vehicles in the future.

IV. CONCLUSIONS OF LAW

The applicant has provided substantial evidence that the area of concern requires the operation of taxicabs for the transportation of passengers, that the applicant's management possesses suitability to operate the proposed service, the number of taxicabs to be operated in the area of concern is reasonable given the geographical nature of the area and the number of towns included in said area, that the applicant possesses adequate financial resources to operate the proposed service, that the vehicles will have the adequate insurance coverage and safety equipment (which will be required at inspection) and that the applicant has drivers available to drive the requested vehicles in accordance with Connecticut General Statutes Section 13b-97(a).

V. ORDER

Based upon foregoing findings of fact and conclusions of law, and pursuant to Connecticut General Statutes Section 13b-97, the application of Suburban Transportation, Inc. d/b/a Valley Cab is hereby approved, in part, and taxicab certificate number 1144 is hereby amended and reissued as follows:

TAXICAB CERTIFICATE NO.1144
FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE

Suburban Transportation, Inc. d/b/a Valley Cab is hereby permitted and authorized to operate motor vehicles in taxicab service as follows:

1. Four (4) motor vehicles within and to and from Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, Wethersfield and Windsor;
 - (a) Three (3) of these vehicles may also be used within and to and from Avon and Canton.
2. Two (2) motor vehicles within and to and from Southington.
3. Six (6) motor vehicles within and to and from Bristol and Wolcott.
 - (a) Two (2) of these six (6) vehicles may also be used within and to and from Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield, Windsor, Burlington and Plainville to all points in Connecticut.
4. Four (4) motor vehicles within and to and from Barkhamsted, Hartland, Harwinton, New Hartford, Plymouth, and Thomaston to all points in Connecticut.
5. Three (3) motor vehicles within and to and from Litchfield, Torrington and Winchester to all points in Connecticut.
6. Six (6) motor vehicles within and to and from Bethlehem, Cornwall, Goshen, Morris, New Milford, Warren and Washington to all points in Connecticut.

RESTRICTIONS:

This Certificate may not be sold or transferred until it has been operational, i.e., its vehicles registered with taxicab plates thereunder, for not less than twenty four (24) consecutive months. This certificate is transferable only with the approval of the department.

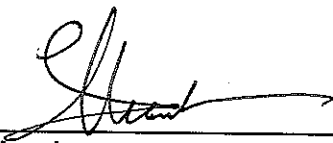
This Certificate shall remain in effect until it is amended, suspended or revoked by the department. Failure of the certificate holder to maintain proper insurance

and/or to comply with all pertinent motor vehicle laws and other State statutes and/or the rules, regulations and orders of the department, as this department may from time to time prescribe, shall be considered sufficient cause to amend suspend or revoke this certificate.

Suburban Transportation, Inc. d/b/a Valley Cab shall register and place into service all of its approved vehicles within 30 days from the date of this final decision.

Dated at Newington, Connecticut on this the 13th day of July 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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