

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1007-N-56-T

RE: APPLICATION OF ARIANA TAXI TO OPERATE ONE (1) MOTOR VEHICLE IN TAXICAB SERVICE WITHIN, AND TO AND FROM, BRANFORD, EAST HAVEN, HAMDEN, NEW HAVEN, NORTH HAVEN AND WEST HAVEN TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

February 28, 2011

I. INTRODUCTION

A. Applicant's Proposal

By application filed on July 12, 2010, with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Ariana Taxi (hereinafter "applicant"), seeks authorization to operate one (1) motor vehicle in taxicab service, within and to and from Branford, East Haven, Hamden, New Haven, North Haven and West Haven.

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 administrative offices of the Department in Newington, Connecticut on February 9, 2011.

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

Mohammad Kamal Mandozai appeared pro se on behalf of the applicant. The applicant's mailing address is 79 Claudia Drive, Apt. 148, West Haven, Connecticut 06516.

Transportation General d.b.a. Metro Taxi received intervenor status and William Scalzi appeared pro se in opposition to the application on behalf of the company. The mailing address of Metro Taxi is P.O. Box 26094, West Haven, Connecticut 06516.

Sheldon Lubin, a Department staff member, appeared at the hearing.

II. FINDINGS OF FACT

1. The applicant was born in Afghanistan and has been in the United States for several years.

2. The applicant seeks to operate one (1) taxicab in New Haven, West Haven, Hamden, East Haven, Branford and North Haven.

3. The applicant has been a taxicab driver for Easy One Taxi, Star Taxi, Horizon, New Haven–Milford Taxi, Yale Taxi and Metro Taxi, but is currently unemployed and unable to find work as a taxicab driver.

4. The Afghan community finds that the main problem in accessing taxicab service is the language barrier since some Afghan people do not understand English.

5. The applicant is very involved with the Afghan community. In addition to providing transportation, he helps some immigrants get jobs and provides other types of support.

6. In the State of Connecticut, the Afghan community is concentrated in the New Haven area.

7. The applicant presented many witnesses who testified about needing taxicab service in Branford, West Haven, East Haven and New Haven and their inability to get service.

8. The applicant has a good working relationship with Mr. Ali, the owner of Maxi Taxi to whom he has in the past referred taxicab work and received taxicab work. Maxi Taxi services forty to fifty customers per day but only has one taxicab. On occasion, Maxi Taxi has referred some of its work to the applicant because it could not handle it.

9. The applicant may have provided transportation to customers to areas in which he was not authorized to drive a taxicab.

10. While driving a taxicab, the applicant has discounted some fares for his customers and students.

11. Metro Taxi operates one hundred twenty (120) taxicabs within and to and from the six towns that the applicant is seeking authority.

12. The applicant owns a 2007 Toyota Rav 4 with no loan outstanding and a market value of \$15,000.

13. The annual insurance premium on the vehicle the applicant proposes to use is \$5,250 for \$100,000 in coverage.

14. As of February 4, 2011, the applicant had \$12,023 cash in the bank.

15. The applicant expects to receive \$900 a week in revenue from the taxi business.

16. The estimated expenses the applicant will incur annually are \$15,000 for fuel, \$3,000 for repairs and \$456 for maintenance.

17. The applicant will operate the taxicab on a twelve hour shift and split the second shift

with another driver.

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 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 having a sufficient amount of drivers, the applicant testified that he would drive one twelve hour shift and he would fill the other shift with another driver.

With regard to suitability, the applicant submitted a criminal record check which did not disclose any convictions. The applicant has several years of experience driving for different taxicab companies in the State of Connecticut. Some information was disclosed in the hearing that could have a negative impact on suitability. There was testimony presented which showed that the applicant was providing transportation to customers outside of his service area when he was operating a taxicab. It is unclear whether the applicant charged these people or took tips. It is also unclear whether or not the applicant utilized a taxicab or his personal vehicle for these trips. There was also testimony that the applicant discounted some taxicab fares for certain clients and students.

The applicant will be given the benefit of the doubt regarding these violations as they appear to be a result of the applicant trying to help his customers and community rather than an individual defying the law or trying to make extra money. The applicant should be aware that these types of violations are not acceptable to the Department and may result in a citation hearing in the future if this application is granted.

In support of financial wherewithal, the applicant presented evidence that he owns a 2007 Toyota Rav 4 with no loan outstanding and a market value of \$15,000. The annual insurance premium for this vehicle is \$5,250 for \$100,000 in coverage. As of February 4, 2011, the applicant had \$12,023 cash in the bank. The applicant expects to receive \$900 a week in revenue from the taxicab business. The estimated expenses the applicant will incur annually are \$15,000 for fuel, repairs and maintenance of \$3,000 and property tax of \$456. Based on the evidence presented, the

applicant has the financial ability to operate the proposed service.

To receive a grant of authority the applicant needs to show that public convenience and necessity requires that the taxicab certificate be granted. To that end, the applicant introduced many Afghan witnesses who testified about the difficulty they have getting taxicab service due to the language barrier in the towns of Branford, New Haven, East Haven and West Haven. The Afghan residents in Connecticut are primarily living in the New Haven area. When the applicant was driving a taxicab, he serviced the witnesses and provided them with transportation. Since the applicant has been unable to find employment as a taxicab driver, these customers have no one to call for service. The witnesses are unable to access taxicab service due to their inability to communicate with the dispatchers and drivers.

While the Department is not required to grant applications based on the language barrier faced by customers, it could be considered as a factor in determining whether public convenience and necessity is being met. The applicant provided taxicab service to the community while he was a taxicab driver. Now, the applicant is no longer able to service these clients, they are no longer receiving transportation. Based on the witness testimony, not having the applicant provide transportation has left a void for the public which requires that he be granted the authority to operate one (1) vehicle.

As far as the area the applicant is going to service, the applicant did not prove that there was a need for additional taxicab service in either Hamden or North Haven. Therefore, the applicant will not receive a grant of authority for either of these towns.

Metro Taxi opposed the application in this case. Mr. Scalzi of Metro Taxi did not testify or produce any evidence in this matter.

IV. CONCLUSION

The applicant has proven that it is suitable, has the financial ability to operate the proposed operation and that public convenience and necessity requires a grant of its application to service residents in Branford, New Haven, East Haven and West Haven.

V. ORDER

Based on the above and pursuant to Connecticut General Statutes Section 13b-97, the application in the name of Ariana Taxi is hereby granted in part and issued as follows:

TAXICAB CERTIFICATE NO. 3248
FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE

Ariana Taxi of West Haven, Connecticut is hereby permitted and authorized to operate one (1) motor vehicle in taxicab service, within and to and from New Haven, West Haven, East Haven and Branford.

RESTRICTIONS

The applicant must register a motor vehicle under this certificate within thirty (30) days from the date of this final decision. Failure to meet the requirement may result in a citation hearing.

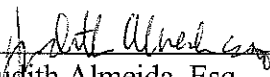
This certificate may not be sold or transferred until it has been operational, a vehicle registered with a taxi plate thereunder, for not less than twenty-four (24) consecutive months. This certificate is transferable only with the approval of the Department.

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 28th day of February 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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