



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION
BUREAU OF PUBLIC TRANSPORTATION
OFFICE OF PROGRAM MANAGEMENT



MOTOR BUS CERTIFICATE FR5002
FOR THE OPERATION OF MOTOR BUSES

APPLICATION NUMBER 1909-CFR-107-B (128) FASTRAK
APPLICATION OF FIRST TRANSIT, INC (OPERATED BY H.N.S. MANAGEMENT COMPANY INC.) TO OPERATE BUS TYPE MOTOR VEHICLES IN INTRASTATE FIXED ROUTE BUS SERVICE

INTRODUCTION

A. Application

On September 24, 2019, First Transit, Inc. ("First Transit" or "Applicant") filed an application for Intrastate Fixed Route Bus Authority under Connecticut General Statutes § 13b-80 with the State of Connecticut Department of Transportation ("Department").

B. Background

The Department's Office of Regulatory and Compliance¹ ("ORC") has jurisdiction over each person, association, limited liability company or corporation operating a motor bus in service in the State of Connecticut pursuant to Conn. Gen. Stat. § 13b-80, as amended.

First Transit has operated motor bus service through its subsidiary H.N.S. Management Company, Inc. ("H.N.S.") under contract administered by the Department's Office of Transit and Ridesharing ("OTR") pursuant to Conn. Gen. Stat. § 13b-34 authority.

The Superior Court issued a Memorandum of Decision dated February 11, 2019, in which it determined that Conn. Gen. Stat. § 13b-80 requires any company operating motor bus service to have a certificate of public convenience and necessity pursuant to Conn. Gen. Stat. § 13b-80 ("certificate"), regardless of whether the company has been operating under a contract with the Department pursuant to Conn. Gen. Stat. § 13b-34. See DATTCO Inc. et al. v. DOT, Docket X07 HHD-CV-10-6079022-S, DATTCO Inc. v. DOT, Docket X07 HHD-CV-14-6079021-S, and The New Britain Transportation Co. v. DOT, Docket X07 HHD-CV-15-6079020-S, Superior Court, judicial district of Hartford, (February 11, 2019).

Since First Transit did not possess a certificate, it filed an application for Intrastate Fixed Route Bus Authority under Connecticut General Statutes §13b-80 ("Application") with the ORC on September 24, 2019.

¹ All references to the Department, when referencing regulatory matters under Chapter 244 of the General Statutes refers to the Office of Regulatory and Compliance.

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The ORC assigned Docket Number 1909-CFR-107-B (128) FASTRAK to the Application. First Transit seeks authorization pursuant to Conn. Gen. Stat. § 13b-80 to operate motor bus service along the route as set forth in Exhibits A (which is a turn by turn narration of the route) and B (which is a map of the route) which was designed as *CTfastrak* Route 128 by the OTR. First Transit filed the Application in response to the Superior Court's February 11, 2019 Memorandum of Decision.

On October 1, 2019, the ORC provided notice to (i) the applicant, First Transit, (ii) the mayor of each city, the warden of each borough or the first selectman of each town in or through which the Applicant desired to operate,² and (iii) all fixed route certificate holders regardless of whether or not the proposed route was along or substantially parallel to a route in an active certificate.³

After consideration by the ORC and in accordance with Conn. Gen. Stat. § 13b-81, the ORC on October 4, 2019 issued Temporary Bus Certificate Number CFR5002 ("Temporary Certificate") to First Transit for Route 128.

On October 29, 2019, Dattco, Inc. ("Dattco"), The New Britain Transportation Company, Inc. ("NBT"), and Collins Bus Service, Inc. ("Collins") filed petitions in opposition to the Application and sought a public hearing on the Application.

On November 5, 2019, the ORC issued an amended notice, extending the comment and petition period through November 15, 2019. On January 24, 2020, the comment period was further extended through February 7, 2020.

The ORC obtained information from some of the fixed route certificate holders in opposition to First Transit's Application, and also obtained memoranda by the OTR in support of First Transit's Application.

As a result of an injunction issued in *Dattco, Inc. et al v. State of Connecticut, Department of Transportation et al.*, Docket No. X07 HHD-CV20-6124097-S, the ORC was not permitted to take any further action on the Application and the Temporary Certificate remained in effect. On February 24, 2021, that lawsuit was withdrawn and the injunction lifted.

FINDINGS OF FACT

1. The Applicant seeks a certificate under Conn. Gen. Stat. § 13b-80.
2. First Transit seeks authorization to operate motor bus service, through its subsidiary H.N.S. along *CTfastrak* Route 128 the route as set forth in Exhibits A (which is a turn by turn narration of the route) and B (which is a map of the route), designated by the OTR as *CTfastrak* Route 128.
3. First Transit currently operates motor bus service through its subsidiary H.N.S. under contract with the Department pursuant to Conn. Gen. Stat. § 13b-34 ("Contract").

² For *CTfastrak* Route 128 those were Hartford, West Hartford, Newington, Farmington and New Britain.

³ ORC notified all fixed route certificate holders in Connecticut : Arrow Line Acquisition, LLC; Collins Bus Service, Inc.; Dattco, Inc.; The New Britain Transportation Company, Inc.; North-East Transportation Company, Incorporated; Peter Pan Bus Lines, Inc.; and Post Road Stages, Inc.

4. The Department entered into the Contract with the Applicant to operate motor bus service along numerous Department designated routes within the State, including, but not limited to *CTfastrak* Route 128.
5. The Contract commenced on January 1, 2016 and was set to expire on December 31, 2020. A copy of the Contract was submitted with the Application.
6. The ORC takes administrative notice that the Contract was extended prior to December 31, 2020 and that the new expiration date of the Contract is December 31, 2022.
7. The OTR, which administers the Contract for the Department, filed a memorandum dated November 15, 2019 in support of the Application ("2019 Memorandum") and a memorandum dated February 14, 2020 in support of the Application ("2020 Memorandum"). The ORC incorporates the 2019 and 2020 Memoranda herein.
8. Three certificate holders, Dattco, Inc., The New Britain Transportation Company, Inc., and Collins Bus Service, Inc., filed petitions, including a supplemental petition, in opposition to the Application.
9. After consideration of the 2019 and 2020 Memoranda submitted by OTR in support of the Application, the ORC finds the information submitted is persuasive in support of the Application.
10. Conversely, after consideration of the petitions in opposition to the Application, the ORC finds the information in opposition was unpersuasive and does not form a basis to deny the Application.
11. The Applicant has been operating *CTfastrak* Route 128 since March 2015.
12. The Applicant's subsidiary, H.N.S., operates the motor bus service under the Contract.
13. *CTfastrak* is Connecticut's first Bus Rapid Transit ("BRT") system. It operates along a dedicated 9.4 mile bus-only roadway between downtown New Britain and downtown Hartford, known as the Hartford - New Britain Busway ("Busway" or "guideway").
14. The Busway is two lanes wide, with one 12-foot lane in each direction.
15. Eleven stations were constructed to serve passengers along the way. Frequent and regularly scheduled bus service is provided at the stations in order to provide reliable service to the public.
16. The *CTfastrak* guideway is two lanes, one in each direction, with bus pullouts at eight of the stations to enable drop-offs and pickups, while also allowing through buses, such as expresses, to pass without being delayed.
17. The *CTfastrak* system includes feeder routes from local roads that transport passengers to the bus stations where they may transfer to the buses operating along the fixed guideway. This provides the public with the opportunity to access the Busway from various points in the greater Hartford area.
18. *CTfastrak* was developed to encourage reliable mass transit ridership and therefore reduce vehicular traffic and highway congestion. By providing reliable transportation, the public is more likely to

utilize bus service, reducing the number of cars on local roads and highways and reducing air pollution otherwise associated with those cars.

19. *CTfastrak* works like a rail line, in its own right of way, separated from all other traffic and with few at-grade intersections. It is more flexible than rail, as the buses can get off at intermediate points or at the end of the line and continue directly to other destinations away from the line.
20. *CTfastrak* buses provide reliably frequent service, with arrival times depending on time of day and station location.
21. *CTfastrak* Route 128 provides direct service from the New Britain *CTfastrak* station to downtown Hartford.
22. *CTfastrak* Route 128 is one of the primary routes along the bus-only roadway. It stops at each of the stations along the way, picking up and discharging passengers who may connect with other local buses that stop at the station.
23. *CTfastrak* Route 128 operates free from congestion normally found on local roads and even highways at rush hour.
24. *CTfastrak* Route 128 provides vital public transportation to the general public between Hartford and New Britain. This route provides the general public with direct access to West Farms Mall and smaller shopping venues, major employers in Hartford and New Britain, medical services and hospitals including, Hartford Hospital and Connecticut Children Medical Center, schools, grocery stores as well as Elmwood Community Center in West Hartford, and cultural and sporting events in downtown Hartford. It provides a link for students from Central Connecticut State University and the general public to New Britain, to downtown Hartford and beyond as it provides multimodal transportation connections through direct connections with other *CTfastrak* routes, local bus routes, intercity bus service and rail options.
25. At Union Station in Hartford, *CTfastrak* Route 128 provides access to *CTrail* (the New Haven-Springfield railroad line) which connects in New Haven with Metro-North rail service west to New York City, Shoreline East rail service to New London, and Amtrak, a nationwide intercity rail network.
26. *CTfastrak* was developed to encourage reliable mass transit ridership and therefore reduce vehicular traffic and highway congestion. By providing reliable transportation, the public is more likely to utilize bus service, reducing the number of cars on local roads and highways and reducing air pollution otherwise associated with those cars.
27. For State fiscal years 2016 through 2019, *CTfastrak* Route 128 ridership has steadily increased from 532,688 a year to 563,321 a year, respectively. For fiscal year 2019, *CTfastrak* Route 128 averaged over 47,000 riders a month.
28. *CTfastrak* Route 128 provides a number of benefits to the public:

- An Enjoyable, Stress-Free Ride - Equipped with Wi-Fi, riders can take advantage of their travel on BRT vehicles, using their time to do something more productive than driving, or to just relax. The *CTfastrak*-system uses low-floor buses that are easy to board, comfortable to ride and fully accessible to people with disabilities. *CTfastrak* stations have platforms at the same height as bus doorways, providing passengers with level boarding.
- Efficient and Reliable Travel - Operating on a dedicated guideway, BRT systems are able to operate at speeds that are faster than conventional buses moving on regular roads with other traffic. BRT typically delivers shorter travel times than traditional bus services, and often shorter than the equivalent automobile commute.
- Convenience - With fast, frequent and direct service from local communities to popular destinations, *CTfastrak* offers a safe and worry-free ride to busy commuters and other travelers.
- Flexibility - Many riders are able to travel to their destinations with a "oneseat" ride. Even travelers located many miles away from the *CTfastrak* corridor are able to use express transit routes that travel on the dedicated *CTfastrak* guideway to swiftly transport them to their destination.
- Economic Development Opportunities - Accompanied by complementary land use and zoning policies consistent with transit-oriented development, *CTfastrak* is helping to positively transform the central Connecticut economy and local neighborhoods into more appealing destinations to live and work.
- Environmentally-Friendly Service - The *CTfastrak* vehicles are clean diesel-electric hybrids. The transit service replaces the need for thousands of daily automobile trips on Connecticut roads and highways. As a result, the *CTfastrak* system helps achieve better air quality by reducing the carbon footprint and achieving other positive environmental goals.

DEPARTMENT ANALYSIS

Conn. Gen. Stat. § 13b-80 does not require the Department's ORC to hold a hearing on the Application. The ORC determines that based upon the circumstances of this Application for a certificate on a contract route which is supported by the Department's OTR, a hearing on the Application is unnecessary.

Looking at the record in this docket, the OTR has determined that there is a need for motor bus service along *CTfastrak* Route 128 and executed the Contract with the Applicant to operate bus service, inter alia, on *CTfastrak* Route 128. The ORC determines that the 2019 Memorandum and the 2020 Memorandum provide substantial evidence to support the certification of public convenience and necessity with regard to the Application.

It is the policy of the State of Connecticut for the Department to provide a transportation system for the general public. See Conn. Gen. Stat. § 13b-32. In order to achieve that goal, the Commissioner of the Department has statutory authority under Conn. Gen. Stat. § 13b-34 to contract for bus service "for the purposes of initiating, continuing, developing, providing or improving any such transportation service."

The construction of the Hartford – New Britain Busway project warranted special legislation concerning its design and construction. See Conn. Gen. Stat. § 13b-15a. The Hartford – New Britain

Busway was constructed as a result of the I-84 Major Investment Study. "CTfastrak was developed to encourage reliable mass transit ridership and therefore reduce vehicular traffic and highway congestion. By providing reliable transportation, the public is more likely to utilize bus service, reducing the number of cars on local roads and highways and reducing air pollution otherwise associated with those cars." See 2020 Memorandum.

Based upon the above, it is clear to the ORC that CTfastrak Route 128 is operated not only in furtherance of legislative policy, but it is utilized by the general public and provides a great benefit to its riders, the communities along the corridor and to the overall transportation system in the State.

CONCLUSION

The ORC finds that the Applicant is a proven operator for CTfastrak Route 128. It began operating the service through its subsidiary H.N.S., in March 2015 with continuous operation through today pursuant to the Contract. Nevertheless, should that Applicant fail to perform in accordance with the terms and conditions of the Contract, the OTR has the right to terminate the Contract and seek another operator. This safeguard provides additional protection to the general public.

It is clear from the evidence produced by OTR that the Department determined that there is a need for CTfastrak Route 128 to be run for the general public and that CTfastrak is providing a great benefit to the general public. It is logical then to conclude that the existence of the Contract, in conjunction with the supporting memoranda from the OTR, firmly establishes public convenience and necessity under Conn. Gen. Stat. § 13b-80.

ORDER

Based upon the above and pursuant to Conn. Gen. Stat. § 13b-80, the Application in the name of First Transit, Inc. is granted and following certificate is issued:

CERTIFICATE NUMBER FR5002

First Transit, Inc. is hereby permitted and authorized, to operate under Certificate Number FR5002 motor bus service along the route designated by the State of Connecticut CTfastrak **Route 128** as set forth in Exhibits A and B, incorporated herein by reference, subject to the restrictions and conditions below. In general, the route passes through the following municipalities: HARTFORD, WEST HARTFORD, NEWINGTON, FARMINGTON AND NEW BRITAIN

RESTRICTIONS & CONDITIONS

First Transit may utilize its subsidiary H.N.S. to operate the motor bus service authorized by this certificate.

This certificate is contingent upon First Transit having a contract with the Department to operate CTfastrak Route 128 and expires upon the earlier of the expiration or termination of its contract with the Department to operate CTfastrak Route 128.

First Transit is authorized to operate CTfastrak Route 128 on behalf of the Department on the schedule and at the rates of fare established by the OTR during the Contract's duration.

CT Fastrak 128

Hartford/Westfarms-New Britain via Stanley St

OUTBOUND

Main St. at Travelers
L – Asylum St.
L – CTfastrak Guideway
**Make ALL STOPS ON BUSWAY
after Flatbush Station:
R – Oakwood Ave.
L – New Park Ave.
R – New Britain Ave.
R – South Rd.
L – Romano Ct. (Westfarms Mall)
L – Clover Dr. to bus stand
at Westfarms Mall
L – Exit Driveway
R – New Britain Ave.
into Hartford Rd.
into Stanley St.
into Martin Luther King
L- East Main St.
R – Stanley St.
R – CTfastrak Guideway
S – New Britain Station South Rd.
Drop off all passengers and
layover at Bay J

INBOUND

From layover at Bay J,
Exit station via L – CTfastrak
Guideway
L – Stanley St.
L – East Main St.
R – Martin Luther King
into Stanley St.
Bear R – Hartford Rd.
into New Britain Ave.
L – South Rd.
L – Romano Ct. (Westfarms Mall)
L – Clover Dr. to bus stand
at Westfarms Mall
L – Exit Driveway
L – New Britain Ave.
R – Corbins Corner Shops
L – Past Sears Store Front
R – New Britain Ave.
L – New Park Ave.
R – Oakwood Ave.
L – CTfastrak Guideway
**Make ALL STOPS ON BUSWAY
EXIT Sigourney Street (Platform A)
R – Asylum St.
R – Ford St.
S – Jewell St.
L – Gold St.
L – Main St. to Travelers

DEPARTMENT'S EXH.# A - Route 128 p.1
DATE: 3/23/21 FULL I.D. C-FR5002

CT **fastrak**

TURN LIST ROUTING INSTRUCTIONS

128 Hartford/Westfarms/New Britain

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128 New Britain

Southbound

- ▶ **Main St. & Atheneum Square**
 - * Main & Atheneum
- S – Main St.
- L – Asylum St.
 - * Asylum & Trumbull
 - * Asylum & High
- L – CTfastrak Guideway
 - * Sigourney St. Sta. [B]
 - * Parkville Sta. [B]
 - * Kane St. Sta. [B]
 - * Flatbush Ave. Sta. [B]
- R – Oakwood Ave.
- L – New Park Ave.
- R – New Britain Ave.
- R – South Rd.
- L – Romano Ct.
- L – Clover Dr.
- Stop inside cut-out at shelters*
- L – Exit Dr.
- R – New Britain Ave.
- S – Hartford Rd.
- S – Stanley St.
- S – Martin Luther King Dr.
- L – East Main St.
- R – Stanley St.
- R – CTfastrak Guideway
 - * Dwnntn N.B. Sta. [J]
- Immediately begin loading passengers for return trip.*

128 Hartford

Northbound

- ▶ **Downtown New Britain Station**
 - * Dwnntn N.B. Sta. [J]
- Circle Dwnntn New Britain Sta.
- L – CTfastrak Guideway
- L – Stanley St.
- L – East Main St.
- R – Martin Luther King Dr.
- S – Stanley St.
- Bear R – Hartford Rd.
- S – New Britain Ave.
- L – South Rd.
- L – Romano Ct.
- L – Clover Dr.
- Stop inside cut-out at shelters*
- L – Exit Dr.
- L – New Britain Ave.
- R – Corbins Corner Shops
- L – Past Sears
- S – Exit Dr.
- R – New Britain Ave.
- L – New Park Ave.
- Street stop Elmwood Sta.*
- R – Oakwood Ave.
- L – CTfastrak Guideway
- L – Flatbush Ave. Sta.
 - * Flatbush Ave. Sta. [A]
- L – CTfastrak Guideway
 - * Kane St. Sta. [A]
 - * Parkville Sta. [A]
 - * Sigourney St. Sta. [A]
- R – Asylum St.
- * Asylum at Bushnell Park
- R – Ford St.

- S – Jewell St.
 - * Jewell & Trumbull
- L – Gold St.
- L – Main St.
 - * Main & Atheneum
- Immediately begin loading passengers for return trip.*

DEPARTMENT'S EXH.# A-Route/28 p2
 DATE: 3/23/26 FULL I.D. C-FR5002

On-Guideway Operating Rules

At all bus stops marked with a * symbol, On-Guideway Operating Rules are in effect.
 Bus Operators must stop and open all doors at these bus stops at all times. Customers paying cash are expected to pre-pay at TVMs.
 Customers will not interact with the farebox except to activate a pre-purchased bus pass or to use a 10-ride ticket.
 Fare Inspectors are responsible for fare collection & enforcement.

Abbreviations: L = Turn Left R = Turn Right S = Continue Straight Ahead US-# = U.S. Hwy. # CT-# = CT State Hwy. #

