



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NO. 0706-AV-81-T

RE: APPLICATION OF DELLA FAMIGLIA, INC. D.B.A. STAMFORD TAXI
FOR AUTHORIZATION TO OPERATE TWENTY (20) MOTOR
VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM
STAMFORD.

FINAL DECISION

October 26, 2011

I. INTRODUCTION

A. Applicant's Proposal

By application filed on June 12, 2007, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Della Famiglia, Inc. d.b.a. Stamford Taxi (hereinafter "applicant") of 80 Harvard Avenue, Stamford, Connecticut, seeks authorization to operate twenty (20) motor vehicles in taxicab service, within and to and from Stamford.

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 department in Newington on September 15, 2011 and October 12, 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. 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

Mark Necatera appeared on behalf of the applicant. The applicant was represented by attorney Matthew Forrest. Mr. Forrest's mailing address is 25 Spring Street, Wethersfield, CT 06109.

Vito Bochicchio appeared on behalf of Stamford Yellow Cab which received intervenor status in this matter. Stamford Yellow Cab was represented by attorney Greg Kimmel with a mailing address of 9 Morgan Avenue, P.O. Box 2013, Norwalk, Connecticut 06852.

Sheldon Lubin, a member of the Regulatory and Compliance Unit of the department, was present at the hearing.

D. Application Amended

The applicant reduced the application request from twenty (20) to fifteen (15) vehicles at the start of the hearing.

E. Administrative Notice

Administrative notice was taken of Docket Number 0701-AV-16-T, the application of Eveready Norwalk, Inc. to operate eleven (11) motor vehicles in taxicab service in Norwalk.

II. FINDINGS OF FACT

1. The applicant is requesting authority to operate fifteen (15) additional motor vehicles in taxicab service within and to and from Stamford.

2. The applicant currently operates a total of fifty-seven (57) taxicabs in Stamford.

3. Stamford Yellow Cab operates a total of thirty-seven (37) taxicabs in Stamford.

4. Peter Gerardi testified that he uses a taxicab in Stamford a couple of days a week to go to the train station. He has used Independent Taxi, Stamford Taxi and Eveready Taxi. He claims that he has to wait about 50 percent of the time. His usual wait time is twenty to thirty minutes.

5. Frank Bruno testified that his wife does not drive and takes a taxicab to work five days a week. He usually calls Stamford Taxi. He has to wait twenty to thirty minutes for a taxicab. His wife starts work at 7:15 a.m. and it's about seven to eight miles to where she works but Mr. Bruno calls for a taxicab at 6:45 a.m. He occasionally uses a taxicab himself and he usually waits fifteen to twenty minutes. The applicant's garage does work on Mr. Bruno's car.

6. Betty Ettinger testified that she lives in Darien and she uses taxicab service to Stamford about three days a week to find employment and go shopping. It typically takes between fifteen minutes to a half hour to get to her home. One third of the time they don't show up in fifteen minutes. Ms. Ettinger testified that Stamford Taxi has picked her up to take her from Darien to Norwalk, an illegal taxicab trip. Other than Stamford Taxi, she has only called Independent Taxi.

7. Hicham Goufal testified that that he is a driver for Stamford Taxi for the past year. He says that he cannot pick up his customers in a timely manner. He says he gets eight to ten complaints per day for being late. He testified that he does not always write down all of the calls on the trip sheets.

8. Mohammed Shafi testified that he is a night dispatcher for Stamford Taxi. He created a log of the taxi requests that the company can't service. He testified 40% of the calls are people that have already called another taxicab because they can't get service and that his drivers perform 25 to 30 trips per day. He also claimed Stamford Taxi receives 900 calls per day for the 57 taxicabs it operates or 15.78 calls per cab.

9. A review of the trip sheets submitted by the applicant for the date of September 23, 2011, reveals an average of 11 trips per shift per cab with 71 shifts performed. There were 13 vehicles double shifted that day.

10. The applicant submitted a log of missed calls from December 9, 2010 to August 31, 2011. The highest number of missed calls recorded on one day was 44 calls on January 27, 2011. There were also several days with 22 calls missed, the next highest amount of calls. The average day had less than 10 calls missed.

11. The applicants insurance cost is \$7,495 per year per vehicle.

12. The applicant has a total of \$22,429 in its bank account in the name of the applicant.

13. The applicant is current on its bank loans.

14. The applicant will be utilizing owner operators so it will not have to buy additional vehicles or pay for operating expenses.

15. The applicant presented a stack of applications from people interested in driving for the company.

16. The independent contractors the applicant is using determine when to start and end their shifts.

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 suitability, the applicant has submitted the necessary criminal record check showing no recent convictions for any officer and the applicant has experience in the taxicab business. However, several issues came to light which cast a negative inference on the applicant. One of the witnesses testified that Stamford Taxi transported her from Darien to Norwalk, which is an illegal trip. Also, one of the drivers testified that he does not record all of the trips he performs on the trip sheets. These errors should not be occurring with a seasoned taxicab service. This information will be referred to the Regulatory and Compliance Unit to do as they see fit. Other than the before mentioned problems, there is no evidence that Stamford Taxi is not suitable to operate a taxicab service.

With regard to financial ability, only the money in the applicant's name can be considered as an asset of the applicant company. The applicant will be utilizing owner operators and will have minimal expenses with that arrangement. The applicants insurance cost is \$7,495 per year per vehicle. The applicant has a total of \$22,429 in its bank account. The applicant is current on its bank loans. The applicant is suitable to operate the proposed service.

The applicant needs to show that there are available qualified operators. The applicant presented a number of driver applications showing that it has sufficient people to operate the additional vehicles. The applicant receives several applications per month from prospective drivers.

With regard to public convenience and necessity, the applicant presented the testimony of several witnesses that complained about the waiting times for a taxicab. The majority of the testimony shows that many times the witnesses waited an acceptable twenty minutes for a cab or that they called for the cab too close to the appointment to expect to arrive promptly.

A review of the applicant's trip sheets shows a paltry eleven (11) calls per shift for each vehicle on average. This is not anywhere near the twenty-five (25) to thirty (30) trips the company claimed the cars were doing per shift. There was also testimony that a large percentage of the applicant's cars were double shifted, when in reality there were only thirteen (13) cars out of fifty-seven (57) double shifted which does not maximize vehicle utilization. Eleven (11) trips per shift also does not show maximum vehicle utilization. The applicant also submitted a missed call log recorded from December 2010 to August 2011. While there was one day that forty four (44) calls were missed, the average day had fewer than ten (10) calls missed.

The testimony offered by the company principals, drivers and employees concerning the extensive double shifting being done, the number of calls being performed and the massive number of calls being rejected by the company simply was not proven by the companies own call log and the trip sheets.

The applicants real problem is not that it needs more cars but that's its cars are not being operated efficiently. Many of the trip sheets have only a few trips per shift and the drivers worked for a few hours or less. The applicant's drivers control their schedule and decide when they want to work so the applicant can easily have gaps in service during peak times. The applicant needs

to operate its company to reflect more vehicle utilization before it can show additional need for vehicles.

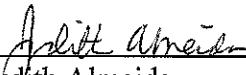
Based on the above analysis, the applicant has not proven that public convenience and necessity requires a grant of additional authority.

IV. CONCLUSION AND ORDER

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Della Famiglia, Inc. D.B.A. Stamford Taxi is hereby denied.

Dated at Newington, Connecticut, on this 26th day of October 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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