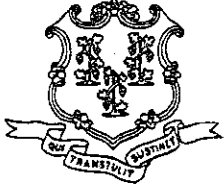


File



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0707-R-98-T

RE: PETITION OF HERITAGE LIVERY SERVICE, INC. DBA HERITAGE TAXI
TO INCREASE ITS METERED RATES OF FARE FOR THE TOWN OF
MILFORD.

Final Decision

December 3, 2007

I. INTRODUCTION

A. PETITIONER'S PROPOSAL

By petition filed on June 6, 2007 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-96 of the Connecticut General Statutes, as amended, Heritage Livery Service, Inc. dba Heritage Taxi (hereinafter "petitioner" or "Heritage Taxi"), of Branford, Connecticut, seeks authorization from the department to amend its metered rates of fare for the town of Milford as follows:

CURRENT METERED TAXICAB RATES OF FARE:

METER DROP:	Initial Charge \$2.00 per 1/8 mile
TRAVEL:	Each Additional 1/8 mile \$0.25
WAITING TIME:	Each Additional 36 seconds \$0.25

PROPOSED METERED TAXICAB RATES OF FARE:

METER DROP:	Initial Charge \$2.25 per 1/9 mile
TRAVEL:	Each Additional 1/9 mile \$0.25
WAITING TIME:	Each Additional 29 seconds \$0.25

B. HEARING

Pursuant to Sections 13b-96 of the Connecticut General Statutes, as amended, and Sections 4-177 through 4-182 of the General Statutes, inclusive, this petition was assigned for a public hearing which was held at the administrative offices of the department in Newington, Connecticut on October 3, 2007.

Notice of the petition and of the hearing to be held thereon was given to the petitioner, and to such other parties deemed necessary by the department as required by General Statutes Section 13b-97. Legal notice to the public was given by publication in the New Haven Register, a newspaper having a circulation in the area of concern.

C. APPEARANCES

Gerald M. Walthall appeared, without counsel, on behalf of the petitioner Heritage Livery Service, Inc. dba Heritage Taxi. The petitioner's mailing address is 1140 Main Street, Branford, Connecticut.

Richard Spear, president of Coastal Transportation & Lodging dba New Haven/Milford Taxi Co. (hereinafter "New Haven/Milford Taxi") filed a timely petition and appeared at the hearing, without counsel, in opposition of the petition to raise the metered rates of fare in Milford. Coastal Transportation & Lodging dba New Haven/Milford Taxi Co. is holder of taxicab certificate number 99 and is authorized to operate five (5) vehicles in taxicab service within and to and from the area of concern. New Haven/Milford Taxi

was afforded intervenor status. Coastal Transportation & Lodging dba New Haven/Milford Taxi Co. has a mailing address of 135 Rimmon Road, Woodbridge, Connecticut.

Sheldon Lubin, utilities examiner with the Regulatory and Compliance Unit of the department, appeared at the hearing.

II. FINDINGS OF FACT

1. Heritage Taxi is authorized to operate Five (5) motor vehicles in taxicab service within and to and from Branford, New Haven, East Haven and West Haven; One (1) of the five taxicabs may service Hamden; and Two (2) motor vehicles in taxicab service within and to and from Milford.

2. The applicant seeks to have the metered rates of fare increased in Milford to meet neighboring cities, which have a higher rate of fare.

3. Without the rate change the applicant can operate only dedicated taxicabs within and to and from Milford because of the difference in rates between Milford and the petitioner's other territories.

4. The towns of Orange and Milford are two (contiguous) towns with the lower metered rates of fare than other contiguous towns in the area.

5. It is not a financial hardship to the applicant to operate with the current metered rates of fare.

6. Coastal Transportation & Lodging dba New Haven/Milford Taxi Co. is authorized to operate vehicles within and to and from Milford and Orange.

7. Coastal Transportation & Lodging dba New Haven/Milford Taxi Co. opposes the rate increase in Milford because the company (Coastal Transportation & Lodging dba New Haven/Milford Taxi Co.) is operating and can continue to operate at the current rate structure approved for Milford.

III. DISCUSSION

The department has jurisdiction over each person, association, limited liability company or corporation owning or operating a taxicab in accordance with General Statutes Section 13b-96. In addition, the department is authorized to prescribe adequate service and reasonable rates and charges with respect to fares, service, operations and equipment as it deems necessary.

Milford, the territory for which the petitioner seeks a rate increase is one of two contiguous towns with the same (lower) metered rates of fare than its surrounding towns. The petitioner wants the department to approve higher rates in Milford to meet the

higher rate in other area towns in which the petitioner is authorized to provide taxicab service. The petitioner argues that because Milford rates are different from those in the petitioner's other territories, passengers complain and think they are being incorrectly charged. For those cases, the petitioner is advised to refer customers to the department for an explanation of the rate structure.

The record is silent regarding the petitioner's financial ability, or inability, to operate its two vehicles within and to and from Milford to all parts of Connecticut with the current rates. The evidence only speaks to having all vehicles in the petitioner's fleet with the same metered rate of fare. No evidence was entered into the record to show the petitioner's financial hardship to keep its company providing service to the public at the current rate structure.

The department has consistently required evidence of financial hardship or inability of the taxicab company to provide taxicab service and meet its operating costs. No such evidence was introduced by the petitioner. To raise the metered rates of fare for the benefit of a taxicab company with no justification other than to equalize all of its territories is unreasonable and unfair to the taxicab riding public, unless it causes such a hardship for the general public that no alternative exists. See Petition Of Eveready Transportation, Canaan Parish Taxi, Westport Star Taxi, Norwalk Taxi And Norwalk Yellow Cab To Increase The Metered Rates Of Fare For The Towns Of Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, Westport And Wilton, Docket No. 0606-R-45-T, Department of Transportation (Final Decision, January 2, 2007); Petition of Norwich Taxi, LLC to Increase the Metered Rates of Fare for the Towns of Bozrah, Franklin, Griswold, Lisbon, Norwich, Sprague, Groton, New London, Canterbury, Plainfield, Sterling, Voluntown, Ledyard, North Stonington, Stonington, Preston, Montville, Waterford, Chaplin, Columbia, Mansfield and Windham, Docket No. 0601-R-02-T, Department of Transportation (Final Decision, September 12, 2006);

New Haven/Milford Taxi, a taxicab company providing services in Milford, appeared in opposition to the rate increase. Richard Spear, owner of New Haven/Milford Taxi, testified that a substantial section of the taxicab riding public consists of the elderly and factory workers who cannot sustain an increase in taxicab rates. He further testified that the gas surcharge, assessed to the taxicab riding public, has already functionally increased the rates of fare in Milford.

Spear raised allegations of the petitioner operating illegally, however, because of the nature of competition within the taxicab business, Spear is advised to bring to the attention of the Regulatory and Compliance Unit such allegations and evidence of illegal operation, which will be investigated and, if substantiated, brought to citation hearing.

Lastly, the petitioner testified that there has been confusion on the part of the department and the petitioner with regard to the issuance of authorization of two taxicabs for Milford. Walthall testified that he has tried to get the certificate clarified with regard to the grant of authority. He indicated that the department has authorized the

petitioner to operate the two vehicles anywhere within its territory. Notwithstanding the petitioner's discussions with the Regulatory and Compliance Unit, the certificate is clear on its face. Certificate No. 1149 authorizes Heritage Livery Service, Inc. dba Heritage Taxi to operate 1. Five (5) motor vehicles within and to and from Branford, New Haven, East Haven and West Haven; One (1) of the five within and to and from Branford, New Haven, East Haven and West Haven may be used to serve Hamden and 3. **Two (2) motor vehicles within and to and from Milford.** This language is clear on its face. The petitioner can operate only two vehicles within and to and from Milford.

IV. CONCLUSIONS OF LAW

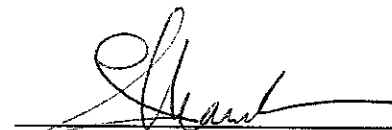
Based on a review of the evidence and record and pursuant to Connecticut General Statutes Sections 13b-96 and 97, as amended, I conclude, as a matter of law, that the petitioner failed to prove that an increase in the metered rates of fare is necessary or reasonable for the city of Milford, Connecticut.

V. ORDER

Based on the above, the petition to increase the metered rates of fare in Milford is hereby denied.

Dated at Newington, Connecticut this 3rd day of December 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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