

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546  
NEWINGTON, CONNECTICUT 06131-7546

Phone:

DOCKET NO. 0809-AV-153-T

RE: APPLICATION OF INDEPENDENT TAXICAB COMPANY, INC. TO OPERATE  
EIGHTEEN (18) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN  
AND TO AND FROM STAMFORD.

FINAL DECISION

September 14, 2012

## I. INTRODUCTION

### A. Applicant's Proposal

By application filed on September 9, 2008, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, Independent Taxicab Company, Inc. (hereinafter "applicant") with a mailing address of 1253 High Ridge Road, Stamford, Connecticut 06903 seeks authorization to operate eighteen (18) additional motor vehicles in taxicab service within and to and from the City of 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 of Transportation in Newington, Connecticut on June 5, 2012, August 14 and August 22, 2012.

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

Mr. Gerard Vilsaint, appeared on behalf of the applicant. The applicant was represented by Daniel Benjamin, Esq. from Benjamin and Gold, P.C. with a mailing address of 350 Bedford Street, Suite 403, Stamford, Connecticut 06901.

Mr. Vito Bochicchio appeared on behalf of Stamford Yellow Cab, Inc. d.b.a. Eveready Stamford and received intervenor status in the hearing. He was represented by Gregory Kimmel, Esq. of Kimmel & Kimmel, LLC with an address of 9 Morgan Avenue, Norwalk, Connecticut 06851.

## II. FINDINGS OF FACT

1. The applicant currently operates eight (8) taxicabs in Stamford.
2. The applicant seeks to operate an additional eighteen (18) taxicabs in Stamford.

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3. The applicant has assets which include \$70,739 in cash in the bank and accounts receivable of \$10,000. The applicant also has a letter of credit for \$75,000. The applicant's net income in 2011 was \$83,307.

4. The applicant's annual insurance for the eighteen (18) additional vehicles will cost \$90,000 or \$5,000 per vehicle. The accounts payable is \$5,000. The taxicab drivers are responsible for most vehicle expenses including gas and repairs.

5. The applicant provided trip sheets from May 1, 2012 to August 2, 2012. The applicant's trip sheets show that in May the applicant averaged 2.6 cars per day with a trip average of 10.38 trips per car, per day. The June trip sheets show 12.31 trips per car, per day with 2.86 cars per day on the road. The July trip sheets show an average of 12.91 trips per car, per day with an average of 2.61 cars per day on the road.

6. Mr. Vilsaint contends that some of his driver's trip sheets were damaged in a flood in April or May 2012 and others were stolen. He also testified that the trip sheets that he submitted were not photo copied in their entirety leaving some trips out.

7. Only one or two of the applicant's vehicles are double shifted. All the other cars are used in only one shift per day.

8. Many of Stamford residential complexes and employers offer shuttle busses to their residents and employees. These shuttle busses reduce the need for taxicabs.

9. Francisco Rendon, the owner of USA Taxi in Stamford, testified in support of the applicant. Mr. Rendon has a taxicab application pending in Stamford with the department. Mr. Rendon claims that his company cannot handle forty (40) to fifty (50) calls for taxicab service per day and this equates to the need for five (5) to six (6) cars to fill this request. He also testified that his taxicabs can handle upward of ten (10) to thirty (30) trips per day. Mr. Rendon's customers typically wait fifteen to twenty minutes for transportation.

10. Some of the applicant's drivers will not work on Saturday or Sunday due to religious convictions. The applicant has difficulty filling some weekend and evening shifts.

11. Gerard Vilsaint Jr., the applicant's son and dispatcher, testified that the drivers can perform twenty (20) to twenty-five (25) trips per shift. He refers two (2) to three (3) trips per day to other taxicab companies.

12. Sixty percent of all of the applicant's trips originate at the Stamford Train Station. Out of the 3,121 calls on the trip sheets, 1,186 are calls that originate at the train station. Several witnesses testified about seeing a large number of taxicabs just waiting at the Stamford Train

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Station for fares.

13. A Stamford Taxi driver and an Eveready Taxi driver appeared to testify against the application. Their testimony was that there is not enough work for these additional taxicabs in Stamford.

14. The queue line at the Stamford Train Station has a cycle time of at least forty-five minutes for drivers to get a fare. There are some locations within the queue line where drivers are unable to leave to take a dispatched call.

15. Most of the applicant's witnesses are friends of the applicant or people that have known the applicant for long periods of time. Many of these people did not need taxicab service themselves.

16. The applicant has seven vehicles registered out of the total authorization for eight (8) vehicles.

17. Mr. Vilsaint testified that his taxicabs could perform sixteen (16) to twenty (20) trips per shift.

18. The other taxicab companies in Stamford besides the applicant include Della Famiglia with fifty-seven (57) taxicabs, USA Taxi of Stamford with sixteen (16) taxicabs and Stamford Yellow Cab with thirty-seven (37) vehicles.

### III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over common carriers, which include 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

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service, the adequacy of insurance coverage and safety equipment and the availability of qualified operators.

With regard to suitability, the applicant submitted a State Police Bureau of Identification Criminal History Form for Alfredo G. Vilsaint showing two charges, one from 1994 for disorderly conduct and a 2005 arrest for assault. Since these incidents are remote in time they will not be held against the applicant. The criminal record check submitted for Karl Vilsaint shows no convictions. The applicant has been in business since 2007 and has no citation hearings against the company.

Several concerns regarding the applicant's suitability surfaced during the hearing. Specifically, the applicant failed to keep its trip sheets for a two year period for each driver in the company as required by the sections 13b-96-31 and 13b-96-30 of the Regulations of Connecticut State Agencies. Mr. Vilsaint testified that some of the trip records were destroyed in a flood in his basement and others were stolen. He also admitted that he did not collect the trip sheets on a daily basis as required.

Frankly, these excuses for the failure to keep records are not credible. The flood was in April or May of 2012 while the trip sheets submitted were from May to August 2012. The trip sheets submitted in June and July 2012 should be unaffected by the flood. No proof was offered regarding the flood which supposedly destroyed the earlier trip sheets, nor was proof offered concerning the stolen records.

The applicant is required by regulation to keep a trip sheet each day for each driver. These records are to be kept for two years. The applicant has failed to meet this requirement. The applicant is hereby put on notice that it is required to maintain trip sheets for each driver for a two year period. The applicant's failure to maintain these sheets will be referred for an investigation to the Regulatory and Compliance Unit for a determination as to whether a citation action should be initiated against the applicant.

Another issue that surfaced is the fact that the applicant had been using a vehicle more than ten years old in violation of the Regulation of Connecticut State Agencies Section 13b-96-42. The applicant blames this occurrence on the Department of Motor Vehicles which incorrectly allowed the registration of this vehicle to take place. After being notified of the error, the applicant later rectified the situation and removed the vehicle from service. Clearly, the fact that the applicant registered a motor vehicle in excess of the ten year requirement is a violation of the regulations and indicates that the applicant's knowledge of the regulations is less than complete. The applicant claimed it had received a waiver to operate this vehicle, but no proof was offered that the waiver was ever granted by the department.

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Taking these two issues into consideration, the applicant has not shown that it is abiding by the statutes and regulations. Therefore, the applicant is not suitable to operate the proposed expansion of the business.

As far as the applicant's financial ability is concerned, the applicant has sufficient cash in its name to handle the first six months of the proposed expansion. The applicant has assets which include \$70,739 in cash in the bank and accounts receivable of \$10,000. The applicant also has a letter of credit for \$75,000. The applicant's net income in 2011 was \$83,307.

On the expense side, the applicant's annual insurance for the eighteen (18) additional vehicles will cost \$90,000 or \$5,000 per vehicle. The applicant's accounts payable is \$5,000. The taxicab drivers are responsible for most expenses including gas and repairs. Based on the evidence provided, the applicant has shown the requisite financial ability to have this application granted.

It is not clear from the testimony presented that the applicant has located a sufficient number of drivers to cover the eighteen (18) vehicles it is seeking. Although the applicant testified there are drivers who want to drive for his company, the applicant's drivers refuse to drive on certain days due to their religious beliefs. While that is certainly the driver's prerogative, the applicant is responsible for finding sufficient drivers to cover its shifts twenty-four hours a day, seven days a week. At this point, the applicant's trip sheets do not reflect that the applicant is operating its vehicles fully.

To prove public convenience and necessity, the applicant also produced trip sheets from his drivers for the time period of May 2012 to July 2012. Although the applicant is required by department regulations to keep its trip sheets for each vehicle operated on a daily basis for a two year period, the applicant has testified that there was a flood and also that some of the trip sheets were stolen from the drivers.

The trip sheets the applicant did provide show that the applicant is only averaging between two (2) and three (3) vehicles on the road per day although it is currently authorized for eight (8) vehicles. Clearly, the applicant is not even using half of its vehicles on a daily basis. Only one (1) or two (2) of the applicant's vehicles are double shifted which indicates that all the other vehicles are driven by only one driver. If the applicant was truly in need of additional vehicles, it would have all of the vehicles used in more than one shift per day.

Analyzing the individual trip sheets shows that the applicant's taxicabs are only doing twelve (12) trips per day. Mr. Rendon, Mr. Vilsaint and Mr. Vilsaint Jr. indicated that taxicabs in Stamford could perform much higher levels of trips per car, per day. The applicant's son testified that their drivers perform twenty (20) to twenty-five (25) trips per shift. Likewise, Mr. Vilsaint testified that his taxicabs were doing sixteen (16) to twenty (20) trips per day. This does not equate

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with the trip sheets the applicant submitted showing less than twelve (12) trips per shift, per car. There appears to be a disconnect between the number of trips the applicant believes its drivers are doing and what they are actually doing.

The trip sheets also show that there are large gaps in time between pickups, indicating the drivers were idle. In addition, much of the applicant's work is either to or from the train station. This indicates that the applicant does not have enough work to keep its drivers busy with its dispatch so they congregate at the rail station, looking for work even though it could take forty-five minutes or more for a fare.

The applicant claims that the back side of the trip sheets was not copied and submitted so there are actually more trips than actually appear on the trip sheets. The applicant submitted the trip sheets so it is his obligation to submit the entire exhibit. The trip sheets were submitted on August 14, 2012. There was an additional hearing date on August 22, 2012, in which these other sheets could have been submitted. The applicant failed to submit further evidence regarding the sheets.

There was a lot of testimony about the new residential complexes that have been built in Stamford, the ones under construction and the large numbers of employers coming to Stamford. The applicant has tried to link this development with the need for additional taxicabs but its trip records and the testimony of the witnesses' undercuts this idea. Many of the employers and residential complexes have their own shuttle buses thereby reducing the reliance on taxicabs for transportation. The applicant's own drivers derive a large percentage of their fares from sitting at the train station and not servicing these residential or business establishments in Stamford.

The applicant testified that people have been asking to drive a taxicab for his company. The applicant did not provide a list of potential drivers or present employment contracts to back up its claim that it had sufficient drivers to fill all of the vehicles it is requesting. There also seems to be a problem staffing shifts on the weekend due to drivers taking days off. The applicant is required to have its service available twenty-four hours a day, seven days a week.

The applicant's real problem is not the lack of vehicles, but rather the administration of the how the vehicles it has already are being used. Better use of the existing vehicles including putting all of the vehicles into service that the applicant has authority for, double shifting its current vehicles, and spreading the work out into Stamford instead of just at the train station would allow the applicant to handle the additional trips it claims it cannot handle. The testimony presented indicated that only a couple of calls are being referred daily. Clearly, those calls can be absorbed by the applicant if it was operating an efficient service.

Based on the evidence presented, the applicant has failed to prove that public convenience and necessity requires a grant of this authority and that it is suitable to receive a grant of additional authority.

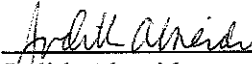
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IV. CONCLUSION

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Independent Taxi Cab Company, Inc. is hereby denied.

Dated at Newington, Connecticut on this 14th day of September 2012.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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

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