



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0811-AS-175-T

RE: APPLICATION OF SUBURBAN TRANSPORTATION, INC. D.B.A. VALLEY CAB
TO OPERATE FOUR (4) MOTOR VEHICLES, IN TAXICAB SERVICE, WITHIN
AND TO AND FROM LITCHFIELD TORRINGTON AND WINCHESTER TO ALL
POINTS IN CONNECTICUT.

FINAL DECISION

June 8, 2009

I. INTRODUCTION

A. Applicant's Proposal

By application filed on November 3, 2008, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97, *et seq.* of the Connecticut General Statutes as amended, Suburban Transportation, Inc. d.b.a. Valley Cab (hereinafter "applicant" or "Valley Cab") of 320 East Street, Plainville, Connecticut, seeks authorization to operate four (4) motor vehicles, in taxicab service, within and to and from Litchfield, Torrington and Winchester to all points in Connecticut.

B. Hearing Held

Pursuant to Section 13b-97(a) of the General Statutes, as amended, a public hearing on this application was held at the administrative offices of the Department in Newington, Connecticut, on May 18, 2009.

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 General Statutes, as amended. Legal notice to the public was given by publication in the Register Citizen, a newspaper having circulation in the area of concern.

The hearing on this matter was conducted by a hearing officer, designated by the Commissioner of Transportation, pursuant to General Statutes Section 13b-17.

C. Appearances

The applicant appeared through Shaukat A. Dode, its president, and was represented by Alan Berman, Esq., 111 Roberts Street, Suite G-1, East Hartford, Connecticut. Valley Cab currently holds taxicab certificate number 1144.

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

No opposition to the application was filed with the department.

D. Administrative Notice

Administrative notice was taken of the following:

Shaukat Dode is the owner of Suburban Transportation, Inc. d.b.a. Tunxis Cab, holder of taxicab certificate number 1193, and is a member of Farmington Valley Cab, LLC, holder of taxicab certificate number 1208.

There are no taxicab companies that provide service to Litchfield and Winchester.

Mark R. Leathers d.b.a. Torrington City Cab, holder of taxicab certificate number 1161, is authorized to operate one (1) taxicab within and to and from Torrington. Torrington City Cab is approved by the department to have limited hours of operation.

II. FINDINGS OF FACT

1. The applicant seeks four vehicles to be used exclusively within and to and from Litchfield, Torrington, and Winchester.

2. Shaukat Dode is the president of the applicant company. He has no criminal conviction history.

3. The applicant's management has been in the taxicab business since 1993. The applicant operates a total of 16 vehicles, broken down in several different territories. The applicant's management also owns Suburban Transportation, Inc. d.b.a. Tunxis Cab, holder of certificate number 1193, and is a member of Farmington Valley Cab, LLC, holder of certificate number 1208.

4. The applicant owns all of the vehicles that are in its service.

5. Fuel is estimated at approximately \$14,000 annually. Maintenance costs are estimated at an average of \$600 per year per vehicle. Property taxes for the vehicles are approximately \$4,500. Insurance is estimated at \$5,600 per vehicle.

6. As of April 30, 2009 the applicant's cash balance was \$61,287, with accounts payable at \$6,715 and less than a month old. The applicant's accounts receivable were \$16,400, \$12,545 of which is less than a month old.

7. The general manager of the business will hire and train the drivers that the applicant will use to work in the business.

8. Timothy Correll, Jr. is from Torrington and is familiar with the current taxicab service in town. He has tried to use Torrington City Cab, but has not had any luck with getting a ride when he needed it. Correll can use a bus during the day, but the bus makes only certain stops. Correll recently had to cancel a medical appointment because he could not get transportation in Torrington.

9. Marc Lozier lives in Winsted (Winchester). He is aware that there is no taxicab service in Winchester. There is a transit bus in Winsted that goes to Torrington and returns at 2 in the afternoon. Lozier cannot get transportation around town when the bus is not in town. Lozier's wife does not drive and she requires access to a taxicab when Lozier is at work.

10. Stephanie Holbert of Winchester sometimes works late into the night and cannot get public transportation home. She is forced to make medical appointments for her children in the morning because she might not get public transportation back to her home in the late afternoon.

11. There is no bus service in Winchester in the evening.

12. Mohammed Khaliq has lived in Torrington for 21 years. Although he has a car, he has friends and family who come to visit from New York and he has trouble getting local taxicab service for friends and family.

13. Roger Mahmood, from Torrington, owns a car but his wife does not have a license to drive. He has tried to get rides for his wife with the local taxicab company, but is unable to get such rides. Two weeks ago, Torrington Cab showed up to provide a ride; however there were people other than the driver in the taxicab. Mahmood declined the ride because he and his family did not feel comfortable taking the taxicab.

14. Litchfield and Winchester have no taxicab service.

15. No opposition was presented to the application.

III. DISCUSSION

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 suitability, the applicant is owned by Shaukat Dode and his wife, who do not have criminal conviction histories. The applicant has had two citations filed against it in the past ten years. The last citation, issued in 2005 was dismissed and the one prior was in 2004 and was resolved by civil penalty. The applicant's management appears willing and able to operate within the confines of the regulatory scheme since it has not been cited by the department since 2005. Dode has managed the companies and enhanced their ability to remain in business and to grow, thereby providing consistent service to the public. The applicant intends to purchase the vehicles with cash. They will be inspected for safety prior to registration. The general manager will hire and train the drivers for the proposed vehicles. Insurance coverage estimates are in accordance with the requirements for taxicab service.

In support of financial wherewithal, the applicant has provided proof of cash balances and of accounts payable and receivable. The applicant currently operates several taxicabs in other areas. It has the resources to purchase vehicles for the territory of concern.

Lastly, in support of public convenience and necessity, several witnesses spoke in favor of the operation of taxicabs within the territory of concern. Department records show that currently, there is no taxicab service in Litchfield and Winchester, so that the public convenience and necessity would require the addition of a taxicab or taxicabs in those towns.

It was clear from the witness testimony that it is very difficult to get service in Torrington. Even though there is a company operating in Torrington, it operates on limited hours and with one vehicle. Witnesses from Winchester testified as to how difficult it is to get transportation in that area, and further, how the bus service is limited. As for Litchfield, while there were no witnesses who testified, it is reasonable to conclude that the public convenience and necessity requires a taxicab where there are none available to service the town.

The applicant is seeking four taxicabs in the combined territory of Litchfield, Torrington and Winchester. Because there is currently a taxicab operation in Torrington, and there was no witness testimony to support more than one taxicab in Litchfield, the applicant will receive a partial grant of three vehicles, which should meet the applicant's public convenience and necessity in the three towns.

IV. CONCLUSIONS OF LAW

The totality of the evidence supports the conclusion that the applicant possesses the financial wherewithal to operate the proposed service, the applicant possesses the suitability to operate the proposed service and lastly, the public's convenience and necessity requires the operation of three taxicabs in the areas of concern in accordance with Connecticut General Statutes Section 13b-96 *et seq.*

V. ORDER

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Suburban Transportation, Inc. d.b.a. Valley Cab is hereby granted, in part, and Certificate No. 1144, standing in the name of Suburban Transportation, Inc. d.b.a. Valley Cab, is hereby amended and reissued as follows:

TAXICAB CERTIFICATE NO. 1144 FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE

Suburban Transportation, Inc. d.b.a. Valley Cab of Plainville, Connecticut, is hereby permitted and authorized to operate in taxicab service as follows:

- 1) Four (4) motor vehicles within and to and from Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield and Windsor.
 - a) Three (3) of these vehicles may also be used within and to and from Avon and Canton.
- 2) Two (2) motor vehicles within and to and from Southington.
- 3) Six (6) motor vehicles within and to and from Bristol.

a. Two (2) of these six (6) vehicles may also be used within and to and from Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield, Windsor, Burlington, and Plainville.

4) Four (4) motor vehicles within and to and from Barkhamsted, Hartland, Harwinton, New Hartford, Plymouth and Thomaston.

5) Three (3) motor vehicles within and to and from Litchfield, Torrington, and Winchester to all points in Connecticut.

RESTRICTIONS

This Certificate may not be sold or transferred until it has been operational, i.e., its vehicles registered with a taxicab plates 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 8th day of June 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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