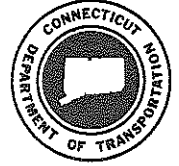




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

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DOCKET NO. 0902-N-19-T

RE: APPLICATION OF MARIE M. CAMAN D.B.A. MC EXPRESS TAXI TO OPERATE TWO (2) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM WESTON, WESTPORT AND WILTON TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

September 4, 2009

I. INTRODUCTION

A. Applicant's Proposal

By application filed on February 4, 2009, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Marie M. Caman d.b.a. MC Express Taxi (hereinafter "applicant") of 17 Hadik Parkway, Norwalk, Connecticut, seeks authorization to operate two (2) motor vehicles in taxicab service within and from Weston, Westport and Wilton to all points in Connecticut.

B. Hearing

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 June 29, 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. Notice to the public was given by publication on the Department of Transportation website at www.ct.gov/dot.

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

Marie M. Caman appeared on her own behalf, unrepresented by counsel. The applicant's address is 17 Hadik Parkway, Norwalk, Connecticut.

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

No opposition was presented to the application.

D. Administrative Notice

Administrative notice was taken of the taxicab companies authorized to operate within and to and from Westport, Weston and Wilton.

Saugatuck Taxi operates three taxicabs within and to and from Westport.

Westport Star Taxi operates twenty-one taxicabs within and to and from Westport, Weston and Wilton.

II. FINDINGS OF FACT

1. Marie Caman started an interstate livery business in 2001 and has been operating that business, with one vehicle, since its inception.
2. Caman is seeking to operate two taxicabs because of the negative effect of the economy on her livery business.
3. Caman plans to suspend her livery business and will operate the taxicab business with her livery vehicle. Caman will eventually add another car once the business picks up.
4. Caman has experience in driving taxicabs from driving taxicabs for Norwalk Yellow Cab, New Canaan Taxi and Darien Taxi.
5. Caman hopes to get business by waiting at the train station for fares and hopes that the telephone number on the taxicab will generate calls.
6. Caman has proof of cash in the amount of \$1,600. Her insurance estimate is \$4,438, which will be financed with a down payment of \$888 and monthly payments of \$418 for nine months.
7. Caman works as a part-time employee for another livery company to make ends meet since her livery business has slowed down.
8. Benjamin Caman, the applicant's son, formerly worked at Bertucci's in Westport one year ago, in the carry out service area. People used to call to say that they would be late because they did not have transportation.
9. David Lopez, from Norwalk, works at the Westport Bertucci's and gets rides to and from work with co-workers or family members. He has noticed people at outside of Bertucci's at the end of the evening.
10. Jessica Caman, the applicant's daughter, worked at Staples in Westport two years ago and she saw a need at that time for additional taxicabs since busses stopped running at 6 p.m. and other transportation was not available, or was not timely.

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.

In support of suitability, the applicant provided the requisite criminal conviction history form, which showed that she has no criminal record. In addition, Caman has operated a livery business since 2001 with no history of citations or other problems. The applicant testified that she would start with one vehicle, which she will drive, and she has spoken to someone with taxicab experience who would drive a second vehicle when she becomes ready to expand the taxicab business. The vehicle must pass safety inspection prior to being placed in service. The applicant, therefore, is suitable to operate the proposed service.

In support of financial wherewithal, the applicant provided proof of cash in the amount of \$1,600. The applicant currently operates a vehicle in livery service and would use that vehicle in taxicab service to begin the business. Caman intends on suspending her livery business to begin the taxicab business. Caman has operated her business since 2001 with no citations. Caman's livery vehicle is insured and she plans to transfer that insurance to the taxicab, if authorized. The applicant's insurance for a taxicab is estimated at \$4,438, which she would cover with a down payment and monthly installments.

Caman testified that she would start the business with one car and add a car when the business picks up. Her vehicle is a 2001 model, thus she faces the expense of purchasing a newer vehicle. Although Caman has equity in her home, there was no evidence that she would be able to draw on the equity, given the fact that she has incurred some financial difficulty in meeting her monthly bills. On the other hand, the applicant has been in business and able to support the business for several years. Caman's start up costs would be less than someone who had not had a prior business, even though she would incur costs for the equipment required for a taxicab such as a dome light and lettering for the vehicle. Based on the attending financial circumstances, if public convenience and necessity required a taxicab, the applicant is financially suitable to operate one taxicab.

Lastly, the applicant must prove that the public convenience and necessity requires the operation of a taxicab. The application fails on this issue. Two witnesses, the applicant's son and daughter, testified that there is a need for taxicabs; however, they based their testimony on their experiences from one to two years ago. The third witness testified that he works in Westport and believes that additional taxicabs would be helpful to people who were out late or

might have been drinking and while he has seen people waiting outside the restaurant, there was no evidence that they were waiting for taxicabs. This witness does not use taxicabs for transportation to and from work – he relies on family or co-workers. The evidence is not substantial, in that regard, to support certification by the department that the public convenience and necessity requires the operation of a taxicab.

The applicant is advised that if her clientele, established over the years, seeks intrastate livery service, the applicant may find that those clients would testify in support of such service, giving that section of the public access to intrastate livery and if so, the applicant is encouraged to apply for intrastate livery authority.

IV. CONCLUSIONS OF LAW

Marie M. Caman d/b/a MC Express Taxi is suitable to operate the proposed service and possesses the financial wherewithal to operate the proposed service with one vehicle, however, no substantial evidence was presented to prove that the public convenience and necessity require the operation of a taxicab or taxicabs in the area of concern, in accordance with Connecticut General Statutes Section 13b-97(a).

V. ORDER

Based on the above, the application standing in the name of Marie M. Caman d/b/a MC Express Taxi is hereby denied.

Dated at Newington, Connecticut, on this 4th day of September, 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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