

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0904-N-35-T

RE: APPLICATION OF JASON ROLO D/B/A PATRIOT TAXI TO OPERATE FOUR (4) MOTOR VEHICLES, IN TAXICAB SERVICE, WITHIN AND TO AND FROM LITCHFIELD, NORFOLK, TORRINGTON AND WINCHESTER TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

October 26, 2009

## I. INTRODUCTION

### A. Applicant's Proposal

By application filed on April 16, 2009, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Jason Rolo d/b/a Patriot Taxi (hereinafter "applicant") located at 1277 South Street, Suffield, Connecticut, seeks authorization to operate four (4) motor vehicles, in taxicab service, within and to and from Litchfield, Norfolk, Torrington and Winchester 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 September 11, 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 website at [www.ct.gov/dot](http://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

Jason Rolo, owner of the proposed business, appeared on behalf of Patriot Taxi and was represented by Mathew Forrest, Esq. whose mailing address is 25 Spring Street, Wethersfield, Connecticut. Jason Rolo d/b/a Patriot Taxi has a mailing address of 1277 South Street, Suffield, Connecticut.

Suburban Transportation d/b/a Valley Cab (hereinafter "Valley Cab") petitioned for, and was granted, intervenor status in Litchfield, Torrington and Winchester. Valley Cab appeared through its owner, Shaukat Dode and was represented by Marc N. Needelman, Esq., whose mailing address is 800 Cottage Grove Road, Suite 313, Bloomfield, Connecticut. Suburban Transportation d/b/a Valley Cab's mailing address is 300 East Street, Plainville, Connecticut.

Sheldon Lubin, utilities examiner for the Regulatory and Compliance Unit, attended the hearing.

### D. Administrative Notice

Administrative notice was taken of the following:

1. 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, Docket No. 0811-AS-175-T, Department of Transportation Final Decision (June 8, 2009.)

2. Joint Application for the Sale / Transfer of Taxi Certificate Number C-1161 Held in the Name of Mark Leathers d/b/a Torrington City Cab to Torrington Valley Cab, LLC, Department of Transportation Decision, (August 5, 2009.)

3. Edward McGhie d/b/a United Cab (hereinafter "United Cab") holds taxicab Certificate No. 1078 and is authorized to operate taxicabs in Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield, Windsor, Avon, Canton, East Granby, Ellington, Tolland, Ashford, Eastford, Killingly, Pomfret, Putnam, Thompson and Woodstock.

## II. FINDINGS OF FACT

1. Steven Boucino is the owner of a full service restaurant in Torrington. On Thursdays through Sundays the restaurant is busy with customers from two local theaters. The restaurant staff gets approximately five to ten requests for taxicab service per week.

2. Sometimes a patron will have to wait an hour for a taxicab to come to the restaurant to provide service. At other times the taxicab will not show up at all. Because the restaurant cannot get a taxicab for its patrons in the evenings, the employees have stopped calling for taxicabs and have taken to other alternatives to provide rides to their customers such as driving the patrons home themselves or coordinating a ride; in some cases the restaurant will pay for accommodations for a patron in the hotel across the street. This happens at least one time per week.

3. Within three weeks of the hearing, one of Boucino's employees could not get taxicab service for a patron.

4. Alan Kittle is a manager who works at a sports bar and restaurant in Torrington who is familiar with the fact that some patrons of the sports bar cannot get transportation by taxicab.

5. Paul Haynes travels extensively and uses the applicant for taxicab service from the airport to Torrington. Haynes has had only positive experiences with the applicant. He had called Torrington Taxi for a ride at 4 a.m. on a Monday, but Torrington Taxi did not open before 8 a.m.

6. Haynes was picked up by the applicant from Torrington and was provided a ride to the airport on approximately 30 or 40 occasions.

7. Timothy Flynn from Suffield, Connecticut travels to Torrington two times a week for business and his recent attempts to get a taxicab in Torrington were unsuccessful.

8. If the application is approved Rolo will hire independent contractors, with whom he has spoken, to drive three of the four vehicles

9. The applicant has a dispatcher who will dispatch for the business.

10. The applicant began in the taxicab industry in 1998 and has been so involved for the past 10 years. During Rolo's experience, he has been a taxicab driver and dispatcher and he acted as manager of a taxicab company on a limited basis when the owner of the company was on vacation.

11. The applicant has no criminal conviction history.

12. The applicant is currently working as an independent contractor for United Cab.

13. United Cab does not have authority to operate within and to and from Torrington.

14. The applicant has estimated expenses for one vehicle in taxicab service are \$13,000.

15. The applicant's fuel costs per month per vehicle are estimated at \$1000.

16. The applicant has a net worth of \$38,124.

17. Norfolk, Connecticut does not have dedicated taxicab service.

18. The applicant owns his vehicle outright. It has a current market value of \$4,250 and can be used as a taxicab for a year prior to being replaced.

20. Suburban Transportation, Inc. d/b/a Valley Cab is owned by Shaukat Dode and operates 3 taxicabs within and to and from Torrington, Litchfield and Winchester. This authority was obtained on June 8, 2009.

21. Torrington Valley Cab, LLC is owned by Shaukat Dode and operates one taxicab within and to and from Torrington. This authority was obtained on August 5, 2009.

22. Suburban Transportation, Inc. did not put all of its vehicles into service within 30 days from the date of its grant of authority.

23. There are times when Suburban Transportation, Inc. may not pick up a fare.

### 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 financial wherewithal, the applicant provided the requisite balance sheet showing that the applicant owns the vehicle that he would use in the proposed business. Rolo has cash on hand in the amount of \$10,219. Rolo currently owns a car that he uses as a taxicab which he operates under the certificate of United Cab, so that Rolo's initial costs to begin the business will include painting the vehicles, inspection and registration. Rolo testified that any drivers that he brings into the business will likely have their own vehicles and will operate as independent operators.

With regard to suitability, Rolo provided the requisite criminal conviction history form showing no criminal convictions within the past 10 years. Rolo has approximately 10 years of experience in all aspects of the taxicab business. Although he has been operating under the auspices of Certificate No. 1078 belonging to United Cab, and although he has been driving a car advertised as a United Cab, Rolo does not receive calls from a United Cab dispatcher and has developed his own customers and provides to customers a business card with only his name on them.

The applicant was not admonished on the record that providing taxicab service under his own name, prior to holding a taxicab certificate is not approved service by the department, nor is it acceptable for "independent contract" drivers to indicate to the public that they are providing their own taxicab service. Notwithstanding the applicant's indiscretion with regard to this practice, the public convenience and necessity for responsive taxicab service in Torrington is an issue to be addressed with a grant of authority.

In that regard, several witnesses who testified at the hearing stated that their establishments were quite busy. One witness, the manager of a restaurant, testified that there were at *least* five requests for taxicabs from the restaurant per week. This witness further testified that the restaurant made a decision not to call for taxicab service any longer. This restaurant's management now makes other transportation arrangements for its patrons. Although the intervenor argues that it takes time to establish a business in the area of concern, there is no excuse for failing to respond to calls, especially after having been in business for several months. The witness testimony shows that the public convenience and necessity requires the grant of authority for taxicabs.

Moreover, the department records show that currently, there is no taxicab service dedicated to Norfolk, so that the public convenience and necessity would require the addition of a taxicab or taxicabs in that town. With regard to Litchfield and Winchester, the record is silent as to any need for additional taxicab service for those towns; therefore the burden of proving public convenience and necessity in these two towns fails.

David Lill, the manager of the intervening company, Suburban Transportation, Inc. d/b/a Valley Cab, testified that it takes a few weeks to get the approved cars on the road because the vehicles have to be inspected and the color scheme must be painted and drivers must be hired. However, Suburban Transportation, Inc. d/b/a was granted authority in June. Further, the owner of Suburban was a party to the sale and transfer of the existing taxicab company in Torrington. Regardless of the fact that the intervenor had several months in which to provide service to members of the public, no such service was provided, as testified to by several witnesses.

Lill testified the intervening company "rolled out" the business and that the vehicles were staggered into service and two days prior to hearing the third car was put into service and the fourth car is "available" to the company to use. Lill testified that it takes time to develop the business to have enough work to keep the drivers busy. Lill's testimony is disconcerting to this hearing officer in that the representation of an applicant for service is that the public convenience and necessity requires the grant of authority. The intervening company, when it applied for taxicab service in the areas of concern in the recent past, argued and provided evidence to prove that a grant of vehicles was required for the public convenience and necessity to be served. At the instant hearing, however, the intervenor argues against the applicant, indicating that there is not enough work to utilize its four vehicles.

The intervenor's testimony is not persuasive on the issue of need. It is self-serving and shows that the company was taking its time in putting the taxicabs in service, perhaps because the intervenor had notice of an application for taxicab service in the same area. It also appears to be a business decision on the part Valley Cab and Torrington Valley Cab to take their time in putting their vehicles into service.

Lill testified that the intervenor has gone to hotels and gas stations to publicize its business, and that the drivers distribute flyers and business cards, advertised in the local newspapers and yellow pages. These marketing efforts appear to have been delayed due to company's "development" of its service. Again, these arguments are not persuasive on the issue of public convenience and necessity and are more self-serving because the intervenor opposes the applicant.

Lill admitted that it is conceivable that the intervenor may not have been able to accommodate some customers and that equipment may not have been available. Lill testified that the company had been getting calls for service from the same telephone number and same address, and no one was there when the intervenor's taxicab arrived to pick up a passenger. Further, Lill testified that his company attributed the calls to a new applicant for service in the area of concern. Lill's testimony was not convincing. No substantive evidence was provided to contravene the witnesses' statements.

The applicant provided substantial evidence of public convenience and necessity with regard to Torrington and Norfolk. The evidence supports two vehicles to meet the current need because the territory consists of two towns and due to the rural aspect of the towns, two vehicles may be called to opposite areas of the territory. Accordingly, two vehicles will be granted.

#### IV. CONCLUSIONS OF LAW

The applicant provided substantial evidence to show that the applicant possesses the suitability and the financial wherewithal to operate the proposed service and that the public convenience and necessity requires the operation of two taxicabs within and to and from the combined territory of Norfolk and Torrington to all points in Connecticut.

#### V. ORDER

Therefore, based upon the foregoing Findings of Facts and Conclusions of Law, and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Jason Rolo d/b/a Patriot Taxi is approved in part and Certificate No. 1212 is hereby issued as follows:

TAXICAB CERTIFICATE NO. 1212  
FOR THE OPERATION OF MOTOR VEHICLE IN TAXICAB SERVICE

Jason Rolo d/b/a Patriot Taxi of Suffield, Connecticut, is hereby permitted and authorized to operate two (2) motor vehicles, in taxicab service, within and to and from Torrington and Norfolk to all points in Connecticut.

#### REQUIREMENTS AND RESTRICTIONS

1. Jason Rolo d/b/a Patriot Taxi must place its vehicles into service within thirty (30) days from the date of this final decision.
2. If Rolo drives for United Cab Company, he is to provide service ONLY IN the territory that United Cab Company is permitted and authorized to operate.


This Certificate may not be sold or transferred until it has been operational, i.e., a vehicle registered with a taxi plate 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 26<sup>th</sup> day of October 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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