



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

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DOCKET NO. 1008-N-78-T

RE: APPLICATION OF METRO ACCESS , LLC TO OPERATE SEVENTY (70) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM ANSONIA, BEACON FALLS, BETHANY, BRANFORD, BRIDGEPORT, CHESHIRE, CLINTON, DERBY, DURHAM, EAST HAVEN, FAIRFIELD, GUILFORD, HAMDEN, MADISON, MERIDEN, MIDDLEFIELD, MILFORD, MONROE, NAUGATUCK, NEW HAVEN, NORTH BRANFORD, NORTH HAVEN, ORANGE, OXFORD, PROSPECT, SEYMOUR, SHELTON, STRATFORD, TRUMBULL, WALLINGFORD, WEST HAVEN, AND WOODBRIDGE TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

October 25, 2011

I. INTRODUCTION

A. Applicant's Proposal

By application filed on August 24, 2010, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Metro Access, LLC (hereinafter "applicant") of 65 Industry Drive, West Haven, Connecticut, seeks authorization to operate seventy (70) motor vehicles in taxicab service within and to and from Ansonia, Beacon Falls, Bethany, Branford, Bridgeport, Cheshire, Clinton, Derby, Durham, East Haven, Fairfield, Guilford, Hamden, Madison, Meriden, Middlefield, Milford, Monroe, Naugatuck, New Haven, North Branford, North Haven, Orange, Oxford, Prospect, Seymour, Shelton, Stratford, Trumbull, Wallingford, West Haven, and Woodbridge 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 February 22, 23, 24, 2011, March 8, 9, 24, 2011, and April 7, 2011. Briefs were timely filed on August 1, 2011 at which time the record closed.

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.

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

C. Appearances

Applicant appeared through William Scalzi and was represented by Jay F. Malcynsky, Esq. and Paula Clarke, Esq. of the law firm of Jay F. Malcynsky, P.C., One Liberty Square, New Britain, Connecticut.

Raymond Longo, owner, appeared on behalf of Casino Cab Company, Inc. (hereinafter "Casino Cab") holder of taxicab certificate number 225. Casino Cab was represented by Gregory S. Kimmel, Esq., Nine Morgan Avenue, P.O. Box 2013, Norwalk, Connecticut. Casino Cab petitioned for, and was granted, intervenor status in the towns of Bridgeport, Trumbull and Stratford, Connecticut.

Adel Mansour, owner, appeared on behalf of Valley Livery & Limo d/b/a Valley Cab (hereinafter "Valley Cab"), holder of taxicab certificate number 1112. Valley Cab petitioned for, and was granted, intervenor status in the towns of Ansonia, Beacon Falls, Derby, Monroe, Seymour and Shelton, Connecticut. Valley Cab was represented by Devin B. Dingler, Esq., 102 Oak Street, Hartford, Connecticut.

Richard Ficorilli, operations manager, appeared on behalf of Michael A. Jazinski d/b/a Shoreline Taxi (hereinafter "Shoreline Taxi"), holder of taxicab certificate number 1184. Shoreline Taxi petitioned for and was granted intervenor status in the towns of Clinton, Guilford and Madison, Connecticut. Shoreline Taxi's address is 415 Briarwood, Guilford, Connecticut.

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

D. Administrative Notice

Administrative notice was taken of the following:

1. Department of Transportation carrier reports for:
 - a) Transportation General, Inc. d/b/a Metro Taxi, certificate number 86;
 - b) Fairfield County Transportation, LLC d/b/a Metro Taxi, certificate number 1154
 - c) Casino Cab Co., Inc. d/b/a Yellow Cab Co., certificate number 225;
 - d) Valley Livery & Limo LLC d/b/a Valley Cab, certificate number 1112;
 - e) Michael A. Jazinski d/b/a Shoreline Taxi, certificate number 1184.
2. Application of Heritage Livery Service, Inc. d/b/a/ Heritage Taxi Seeking Authorization To Operate Five (5) Additional Motor Vehicles in Taxicab Service within and to and From Branford, Guilford, Madison, East Haven, West Haven, North Haven, New Haven, North Branford, Orange, Cheshire, Woodbridge, Milford and Hamden., Docket No. 0811-AV-182-T, Department of Transportation Final Decision (October 27, 2010.)
3. Application Of Human Service Transportation Consortium, Inc. d/b/a People to Places To Operate Five (5) Motor Vehicles In Taxicab Service Within And To And From Bridgeport To All Points In Connecticut., Docket No. 9606-N-22-T, Department of Transportation Final Decision (November 27, 1996.)
4. Disability Census & Needs Assessment Study, Prepared for City of New Haven Department of Services for Persons with Disabilities, 1999, Pages 3 and 17-19.
5. Application of Fairfield County Transportation, LLC d/b/a Metro Taxi To Operate Seventy (70) Motor Vehicles In Taxicab Service Within And To And From Bridgeport, Fairfield, Stratford and Trumbull To All Points In Connecticut., Docket No. 9906-N-20-T, Department of Transportation Final Decision (August 8, 2000.)
6. Application of Jose Calle d/b/a JC Express Taxi To Operate One (1) Motor

Vehicles In Taxicab Service Within And To And From Hamden, New Haven And West Haven To All Points In Connecticut., Docket No 0811-N-76-T, Department of Transportation Final Decision (May 27, 2010.)

7. Application Of Julio Acevedo D/B/A Acevedo Taxi Cab To Operate One (1) Motor Vehicle In Taxicab Service Within And To And From Branford, East Haven, New Haven, North Haven, Orange And West Haven To All Points In Connecticut., Docket No. 0803-N-62-T, Department of Transportation Final Decision (April 28, 2009.)
8. Application of Waleed Assad D/B/A/ Taxi And Airport Transportation To Operate Three (3) Motor Vehicles, In Taxicab Service, Within And To And From New Haven, East Haven, And West Haven, To All Points In Connecticut., Docket No. 0806-N-103-T, Department of Transportation Final Decision (July 24, 2009.)
9. In The Matter Of The Citation Of Transportation General, Inc. DBA Metro Taxi, Docket No. 0801-C-21-T, Department of Transportation Final Decision (May 22, 2008.)

E. Pleadings

A Motion to Exclude Intervenor Casino Cab's Memorandum in Opposition to Application was filed by the applicant on August 12, 2011. Casino Cab Company, Inc. d/b/a Yellow Cab filed an Objection to Motion to Exclude Intervenor Casino Cab Co.'s Memorandum in Opposition to Application on August 17, 2011. The matter having been considered by this hearing officer, applicant's Motion to Exclude Intervenor Casino Cab Co.'s Memorandum in Opposition to Application is denied and Casino Cab Co.'s objection is sustained.

II. FINDINGS OF FACT

1. William Scalzi ("Scalzi") owns Transportation General, Inc. d/b/a Metro Taxi, which is authorized to operate 142 in taxicab service vehicles within and to and from Guilford, East Haven, New Haven, Hamden, West Haven, Woodbridge, Branford, North Branford, North Haven, Meriden, Wallingford, Milford and Orange, within restrictions enumerated in its taxicab certificate number 86. Scalzi also owns, Fairfield County Transportation, LLC d/b/a Metro Taxi which is authorized to operate 19 taxicabs within and to and from Bridgeport, Stratford and Trumbull, within the restrictions enumerated in its taxicab certificate number 1154.

2. Casino Cab Co., Inc. d/b/a Yellow Cab Company operates forty-five (45) taxicabs within and to and from Bridgeport Stratford and Trumbull within restrictions as enumerated in its taxicab certificate.

3. Valley Livery & Limo, LLC operates nine (9) taxicabs within and to and from Ansonia, Beacon Falls, Derby, Monroe, Oxford, Seymour and Shelton within restrictions as enumerated in its taxicab certificate.

4. Michael A. Jazinski d/b/a Shoreline Taxi operates three (3) taxicabs within and to and from Clinton, Guilford and Madison within restrictions as enumerated in its taxicab certificate.

5. Connecticut General Statutes Sections 13b-96 through 13b-100 regulate taxicab service and authority in Connecticut.

6. Connecticut General Statutes Sections 13b-96 through 13b-100 do not bar wheelchair accessible vehicles from being used in taxicab service.

7. The Department of Transportation does not bar the use of wheelchair accessible vehicles from being used in taxicab service in the State of Connecticut. The Department of Transportation does not create policy, practice or procedure that bars any taxicab company from providing equal access for people with disabilities.

8. Accessible vehicles have been used in taxicab service within the State of Connecticut for several years.

9. There is no statutory requirement which addresses "on demand 24-hour wheelchair accessible" taxicab service.

10. No taxicab service provider is barred from putting accessible vehicles on the road as a taxicab so long as he or she has authority to provide taxicab service and does not exceed the number of vehicles authorized under the provider's taxicab certificate.

11. David White ("White") is the president of Coordinated Transportation Solutions, a transportation company that provides rides to medical appointments. White's clients do not pay out of pocket for their transportation because it is subsidized. Scalzi has had a business relationship with White's company for the past five or six years. Transcript of 2/22/11 at page 35.

12. If White's clients require service for an emergency, White's company asks the caller to call 911 or it provides an ambulance. If the call is of a non-emergency nature, White calls a company that provides 24/7 wheelchair service. Transcript of 2/22/11 at page 36.

13. White's company provides approximately 300 calls for wheelchair bound clients, statewide, per month. Transcript of 2/22/11 at page 40.

14. White's company is meeting the needs of its clients. Transcript of 2/22/11 at page 50.

15. Toni Harp represents the 10th Senatorial District that includes New Haven and West Haven. She is aware that one of Scalzi's taxicab companies has a wheelchair accessible taxicab in its fleet and she believes that the current taxicab services are meeting the demand. Transcript of 2/22/11 at pages 59 & 61.

16. A new program called New Freedom Taxi Voucher Program will provide a fifty percent reduction on taxicab fares for the Greater New Haven disability community. Transcript of 2/22/11 at page 56.

17. Michelle Duprey, of East Haven, is New Haven's director of the Department of Services for Persons with Disabilities. Over the years, her goal has been to improve transportation for the disabled community. She found, through disability centers and a use assessment study for the City of New Haven, that transportation is an issue for people with disabilities. As a result of the study, she found that 31% of the 1003 residents of New Haven who were surveyed who had a disability said the reason they were not working was their inability to find affordable, accessible transportation (not specifically taxicab transportation.) Greater New Haven has very good transportation options for people with disabilities. Transcript of 2/22/11 at pages 67 – 75 & 98.

18. It is unclear, however, as to whether transportation was an issue keeping said residents of New Haven from being able to work. Transcript of 2/22/11 at page 112. Duprey's knowledge regarding the increase in disability in the United States is based on assumption. Transcript of 2/22/11 at page 82.

20. Duprey used Transportation General, Inc. d/b/a Metro Taxi's accessible taxicab approximately four (4) times since October 14, 2009. Duprey was accommodated by the wheelchair accessible taxicab for each call that she made to Metro Taxi – although one call was not her ideal choice of time. Transcript of 2/22/11 at pages 101-102.

21. Nancy Shaffer is the State Ombudsman of the Office of the State Long Term Care Ombudsman Program, whose members advocate on behalf of adult residents of nursing homes, assisted living and residential care homes. Shaffer is in support of accessible transportation. Transcript of 2/22/11 at pages 115 - 132.

22. Glen Gitterman ("Gitterman") is president of Allied Health and Rehabilitation in Meriden. Gitterman's company provides contract services for physical, speech, and occupational therapy in Hamden and West Haven on an outpatient basis. Gitterman supports accessible transportation. Transcript of 2/22/11 at pages 134 – 155.

23. Teddi McKenna, of West Haven, has an uncle, who is 95 years old and wheelchair-bound who uses Metro Taxi's service on a weekly basis to go to meet his friends for breakfast or attend family functions. Transcript of 2/22/11 at pages 156 – 163.

24. James Quick ("Quick") is from Bristol and is president of the Connecticut State Independent Living Council; he is vice-president of National Spinal Cord Injury Association as well as the co-chair of the Connectability Steering Committee. He is in a wheelchair. He drives a car. He believes that there should be more accessible vehicles for people in wheelchairs. Quick does not know if the current service meets the general population of the Greater New Haven area. Transcript of 2/22/11 at page 229.

25. James McHugh from North Haven works at Tweed-New Haven Airport and is aware that some passengers who arrive at the airport do not have transportation or have to wait for transportation that can accommodate their wheelchairs. Transcript of 2/22/11 at page 17.

26. Anne Guarino ("Guarino") from West Haven has a son who is handicapped and has used Metro Taxi's service which she found to be prompt. Transcript of 2/22/11 at pages 74-75. Guarino's son attends school in Fairfield and has used Metro Taxi for a ride home. Transcript of 2/22/11 at page 78.

27. Paul S. Timpanelli from Trumbull works in Bridgeport for the Bridgeport Regional Business Council. He was asked to speak in favor of the application for additional taxicab service. He has no knowledge of the adequacy of taxicab service in the greater Bridgeport area. He testified on behalf of Scalzi relative to an application for taxicab service in Bridgeport approximately 5 years ago. Transcript of 2/23/11 at page 95.

28. Stanley Kosloski (Kosloski") is from Cromwell and served as assistant director of the State Office of Protection and Advocacy for 25 years. He also served as the State Coordinator for the Americans with Disabilities Act in the early 90's. Currently he serves as the Executive Director of the Connecticut Disability Advocacy Collaborative. Kosloski has no knowledge of whether the current service meets the needs of the general population of Greater New Haven. Kosloski was unaware of other taxicab companies who provided taxicab service with accessible vehicles. Transcript of 2/22/11 at pages 103-104, 131, 133.

29. Gretchen Knauff is from Old Lyme and works in Hartford with the Office of Protection and Advocacy for Persons with Disabilities. She is an advocate for accessible transportation for people with disabilities who call her office regarding transportation issues. Transcript of 2/22/11 at pages 150-151.

30. Teddi McKenna is from West Haven. She owns a beauty salon. She has used Metro Taxi service for her uncle who is in a wheelchair. She has elderly clients who, she believes, would make use of taxicab service with accessible vehicles. McKenna believes the important issue is the "on call" or "on demand" aspect of taxicab service. She has waited from 15 minutes to 40 minutes for Metro Taxi. Transcript of 2/22/11 at pages 158-160.

31. Richard Famiglietti ("Famiglietti") is from East Haven and works for the Center for Disability Rights in West Haven. Famiglietti believes that if all vehicles in the applicant's fleet were accessible, any need there may be for additional taxicabs would be met. Transcript of 2/23/11 at pages 171.

32. The accessible vehicle that applicant operates presently will also be able to provide rides to people without mobility disabilities as will the applicant's proposed 70, if they are not in service providing rides to people with mobility disabilities. Transcript of 2/23/11 at page 173.

33. Mark Anthony Gallucci ("Gallucci") from Bridgeport is the Executive Director of Center for Disability Rights works with elderly and people with disabilities from Milford to Old Saybrook, up to Middletown, including Derby and Naugatuck Valley. Gallucci incorrectly believes that the licensing process for taxicabs does not allow accessible vehicles. Transcript of 2/23/11 at page 207.

34. Gallucci believes, as many of the other witnesses do, that all taxicabs in the State of Connecticut should be accessible. Gallucci is hearing impaired. He experienced only one time that he was unable to get a taxicab. Gallucci's and the Center for Disability Rights' mission is to make every taxicab in the State of Connecticut accessible. Transcript of 2/23/11 at pages 237, 239, 247.

35. Several additional witnesses believe that there should be accessible taxicab availability within the territories in question, and as some have said within the entire state, including Charles Smyth from Orange, Dana Canevari from New Haven, Laura Sippin from New Haven, Elaine Kolb from West Haven, Sandy Roberts from New Haven, Margaret Bucknall from Orange, and Daria Smith from State of Connecticut Independent Living Council, Frank Reed from Danbury, Frances Sinish of Stratford, Randal Duscheneau of New Haven, Victor Xavier of Seymour, Thomas DiMartino of Trumbull, Dorothy Healy of Bridgeport, and Joe Cohan of Madison.

36. Trip sheets from Transportation General, Inc. and Fairfield County Transportation, LLC both d/b/a Metro Taxi for March 9-10, 2010 showed that each taxicab provided an average of 11 trips per day.

37. Trip sheets from Transportation General, Inc. and Fairfield County Transportation, LLC both d/b/a Metro Taxi for November 19-20, 2010 showed that each taxicab provided an average of 18.5 trips per day.

38. The fair standard for full capacity utilization for the New Haven area is approximately 25-30 trips per vehicle per shift. Transcript of 3/8/11 at page 190.

39. There is no dispute that transportation should be accessible to the mobility disabled community.

40. There is no bar to applicant placing accessible taxicabs into service with its current fleet.

III. DISCUSSION

Connecticut General Statutes Section 13b-95 defines the term "taxicab" as including "any motor vehicle operated upon any street or highway or on call or demand accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers being transported, provided nothing in this chapter shall be construed to include, as a taxicab, a motor bus, as defined in section 14-1, or a motor vehicle in livery service when such motor vehicle is hired for a specific trip or trips and is subject to the direction of the person hiring the same."

The Department of Transportation ("department") 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, association, limited liability company or corporation is suitable to operate a taxicab service, after giving due consideration to, at a minimum, the following factors: (1) any convictions of the applicant under federal, state or local laws relative to safety, motor vehicle or criminal violations; (2) the number of taxicabs to be operated under the certificate; (3) the adequacy of the applicant's financial resources to operate the service; (4) the adequacy of insurance coverage and safety equipment; and (5) the availability of qualified taxicab operators.

Scalzi, owner of the applicant in this matter, owns Transportation General, Inc. d/b/a Metro Taxi of West Haven authorized to operate a total of 142 vehicles and Fairfield County Transportation, LLC d/b/a Metro Taxi of West Haven, authorized to operate 19 taxicabs. He has been in operation for many years. Scalzi has no criminal conviction history under federal state or local laws relative to safety, motor vehicle or criminal violations. While Transportation General, Inc. has been cited by the department for an administrative violation or two in the past, such violations are remote in time and will not be held against the owner of the applicant in this matter.

With regard to the number of taxicabs to be operated under the proposed service, the applicant has requested authorization for seventy (70) taxicabs in the area of concern. In support of the number of vehicles requested, the applicant provided statistics regarding the demographics of the mobility disabled population in New Haven and

Connecticut. Based on those statistics, the applicant extrapolated calculations that concluded that there are approximately 22,000 individuals who would require wheelchair accessible transportation. The applicant concluded that if each of these individuals utilized a taxicab for one trip per month that would yield in excess of 1,500 trips per day resulting in the need for at least 70 taxicabs.

This argument is flawed as there is no direct evidence that supports applicant's calculation. Such information is not demonstrative of the need for taxicab service in Connecticut. The applicant must demonstrate that the public convenience and necessity requires a grant of authority. Evidence showing that the existing taxicab services are poor or members of the public have been consistently turned down by existing services, that they had excessive wait times or were unable to get service at all supports public convenience and necessity. The basis for the extrapolation is purely speculative. While there was testimony from the numerous witnesses that they are in favor and support accessible taxicab service throughout the State, there were only a handful of witnesses who actually stated that they would *use* taxicab service.

It is clear from the record that the driving force of the instant application is the focus on the mobility disabled community and providing services for that segment of the population that is not currently served to capacity because of the kinds of vehicles that are currently used to provide taxicab transportation. About that there is no dispute. There is no ban to using accessible vehicles to provide taxicab transportation. The record is replete with testimony that there are several taxicabs that are wheelchair accessible currently in service. The issue comes down to business decisions by current taxi companies including the to use other than accessible vehicles to provide taxicab service, not whether there should be such service available.

There is no dispute that access to transportation should be made available to all citizens of this State. However, an application for 70 vehicles to be added to the taxicab market is not the way to achieve the results that the witnesses spoke in favor of at the hearing. *Using accessible vehicles* for the service already authorized would meet the need for accessible transportation. Scalzi has one accessible vehicle in his fleet of 161 vehicles (for two companies) and he is replacing other vehicles with accessible taxicabs. Scalzi testified, however, that the taxicabs in his current fleet are used to capacity.

In support of this contention, Scalzi submitted trip sheets for the fleet operated by his two taxicab companies, both of which are dispatched from West Haven. The trip sheets showed that on one day in March, each taxicab performed an average of 11 trips per shift. On one day in November, almost at holiday time, the average number of trips that each taxicab provided during a shift was 18.5 trips.

Scalzi's operations manager testified that a taxicab (in the area of concern) could provide an average of 25 to 30 trips per shift. See, Application of Heritage Livery Service, Inc. D.B.A. Heritage Taxi, Docket No. 0811-AV-182-T, Department of Transportation (Final Decision, October 27, 2010.) If the drivers can complete a minimum of 25 trips, as indicated by 's operation manager and agreed to by Scalzi, Scalzi's current fleet is not

used to capacity and each taxicab can provide an additional 6 trips per vehicle. Scalzi's current fleet has the capacity of providing an additional 966 rides per shift. There is, therefore, no necessity to add seventy (70) vehicles to applicant's certification. Replacing 70 taxicabs in Scalzi's current fleet with accessible vehicles would provide accessibility to taxicabs that are currently on the road. The business decision is Scalzi's as to whether he in fact wants to provide said service.

Numerous witnesses appeared at the hearing to testify about their desire that all taxicabs be accessible, more specifically accessible for people with mobility disabilities. There is no dispute that all vehicles can be accessible. Connecticut General Statutes Section 13b-97 contemplates the public convenience and necessity of the public, not a specific segment of the population; meaning that the disabled community is included in the word "public." The statutes and regulations governing taxicab service in the State of Connecticut does not confer jurisdiction to the department to require any or all taxicabs be accessible.

Connecticut General Statutes Section 13b-96(c) provides that "...[a]ny motor vehicle in compliance with the provisions of the American with Disabilities Act 42 USC 12101 and the registration requirements of the Connecticut Department of Motor Vehicles may be used to provide taxicab service for persons requiring such wheelchair accessibility" so that any taxicab company can place an accessible vehicle into taxicab service; *the issue comes down to a decision of the certificate holder to put accessible vehicles on the road.*

While the applicant stipulated that if the application were granted that all of the vehicles placed into service would be the MV-1, which transports two wheelchairs and two ambulatory persons, Scalzi *did not stipulate* that the vehicles would be used only for wheelchair transportation and transportation of companions/friends. Scalzi intends to use the vehicles to provide transportation to non-mobility disabled people. As one of the applicant's witnesses stated about the accessible vehicle already operated by Scalzi, that it "...also services able-bodied people with that [accessible] cab because, you know – granted, not everybody is going to be filling all of his time."

It is not reasonable to assume, and the record does not reflect, that the proposed service will be used every day by only people with mobility disabilities. When not in use to provide transportation for the mobility disabled segment of the populations, they will be used for the mobile population. Quite the opposite, the record reflects that Scalzi has capability to provide up to 6 additional rides a day, per taxicab, for a total of 916 additional trips in a busy market with a holiday (November) and at least 10 rides a day, per taxicab, for a total of 1610 additional rides in a spring market with his current taxicab fleet of 161 vehicles in taxicab service. In addition to the above, glutting the market with 70 taxicabs where there is no public necessity could result in destabilization of the existing market.

The applicant proposes to use new vehicles, which will be inspected for safety and compliance with minimum safety standards and the applicant proposes to be included in

the self-insurance program currently utilized by Scalzi's existing taxicab fleet. Lastly, the record is silent as to the availability of qualified operators. No mention was made as to whether Scalzi had people who were qualified to drive the additional taxicabs for which service is requested.

As for financial wherewithal, the following information, which is not in the name of the applicant, was submitted:

1. Transportation General, Inc. (Metro Taxi) will be the parent investor of this entity;
2. The vehicles this entity is interested in is the MV-1 model that can seat up to four passengers including two wheelchairs and uses natural gas;
3. The over fifteen mile tariff is \$2.75 a mile;
4. There are four different meter rates in the area of concern;
5. Metro Taxi is currently self-insured. Metro Access would hope to be included on the self-insurance program and would make any required adjustments such as an increase in the restricted cash balance;
6. Currently the over \$50,000 insurance coverage premium is \$749 a vehicle. At 70 vehicles that would be \$52,430;
7. The new vehicle preparation cost is \$2,130 per vehicle. For seventy vehicles the new vehicle preparation fees would amount to \$149,100;
8. Beyond the self-insurance the coverage is from \$50,000.01 to \$500,000. Metro Access' restricted self-insurance cash balance for 161 vehicles averages \$375,219.92.
9. As of December 31, 2010 and the year Transportation General, Inc. and affiliates had the following financial statement information:

a. Unrestricted Cash Balance =	\$137,137
b. Total Current Assets =	\$771,834
c. Total Other Assets =	\$1,484,396
d. Net Fixed Assets =	\$2,566,235
e. The monthly payments on loans have been \$70,000. The interest portion has been about \$30,000 a month.	
f. Current Liabilities =	\$1,670,641
g. Long Term Liabilities =	\$3,628,288
h. Equity =	\$(476,464)
i. Total Assets as well as total Liabilities and Capital =	\$4,822,465
j. Revenues =	\$5,790,645

k. Net Income =	\$332,234
l. Depreciation =	\$433,356
m. Cash flow from operations =	\$765,490

10. At the end of January 2011 two of the company's unrestricted cash accounts had a bank statement balance in total of \$255,122.13
11. There will be other natural gas vehicles purchased for its current (Metro Taxi) fleet that are valued at \$38,000 to \$48,000. The natural gas option costs an extra \$5,000.
12. The Transportation General, Inc. taxicab leases are \$750 a week.
13. The company has a \$200,000 line of credit with Citizens Bank. \$50,000 has been used to date so there is still \$150,000 left remaining.
14. The cost for training the drivers for the special access vehicles is \$200 and the class lasts for two to three hours.
15. Transportation General, Inc. spends about \$400,000 annually to replace their fleet.
16. The estimated up front costs for all of the new vehicles would be about \$150,000.
17. For seventy new vehicles Metro Access would need to pay \$2,600,000. Their loan requirements for the seventy vehicles would require monthly payments of about \$33,000 over six years.
18. The annual property tax would be about \$350 to \$500 per vehicle.
19. The fair market value of the proposed vehicles is \$48,000 each. The financing is as follows per vehicle.

a. Department of Energy Subsidy =	\$13,000
b. Private Loan per vehicle =	\$13,000
c. Net cost to company per vehicle =	\$22,000
d. The Clean Energy Company will give a grant of up to	\$750,000

20. In order to calculate the financial viability of up to seventy vehicles for Metro Access the following computation is being shown:

The First Six Months:

<u>Available Funds</u>	<u>One Vehicle</u>	<u>Seventy Vehicles</u>
Transportation General Annual Income:	\$ 166,067	\$ 166,067

January 31, 2011 Cash		
Transportation General, Inc.	243,592	243,592
Bill Scalzi Account	11,530	11,530
Citizens bank Line of Credit	<u>216,678</u>	<u>216,678</u>
<u>Total Funds Available</u>	<u>\$ 787,867</u>	<u>787,867</u>
<u>Costs</u>		
Excess Insurance	\$ 375	\$26,215
New Vehicle Preparation	2,130	149,100
Six months of Current Principal Portion of Long Term Debt	240,000	240,000
Extra Restricted Self-Insurance Fund	892	62,393
Driver Training	200	14,000
Note Payable on New Vehicles	2,829	198,000
Property Taxes	<u>175</u>	<u>12,250</u>
<u>Total Costs</u>	<u>\$ 246,601</u>	<u>\$ 701,958</u>

In support of financial wherewithal, the applicant provided no information in its name. The financial information provided is in the name of Transportation General, Inc. and for all intents and purposes provides assets of other companies which are *pledged to and support* other companies and therefore, cannot be used for the applicant. The applicant has no separate bank accounts or assets showing that it can place these vehicles into service and sustain the proposed business for six months to a year. The applicant cannot stand alone based on the financial information provided. See, RE: Application of Yellow Cab Company of New London and Groton, Inc. D.B.A. Yellow Cab company to Operate its Existing Twenty-Seven (27) Motor Vehicles In Taxicab Service Within And To and From Montville To All Points In Connecticut, Docket Number 9405-As-20-T (Department of Transportation, Final Decision, September 11, 1997.)

The primary reason for the financial requirement is for the protection of the public. The department requires that all taxicab enterprises have funds available to settle all claims that arise from the negligence or wrong doing of the taxicab company to the public. In light of the self-insurance, failure of the applicant to have assets in its name vitiates the ability of the public to make any sufficient claim over and above the minimum insurance required by statute. Failing to have financial resources in the applicant's name does not protect the public.

The evidence in this matter shows that Scalzi can place accessible vehicles into service with his existing taxicab companies. He is encouraged to do so to meet the need for accessible vehicles, but not taxicab service. The need for accessible vehicles for the mobility disabled community can be met by replacing non-accessible taxi cabs with accessible taxi cabs.

IV. CONCLUSIONS OF LAW

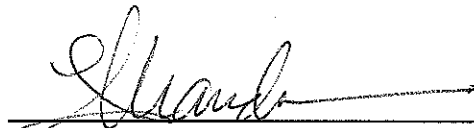
The evidence of record shows that the applicant is suitable to operate the proposed service. The applicant failed, however to demonstrate by substantial evidence financial wherewithal to operate the proposed service and that the public's convenience and necessity requires the grant of a taxicab or taxicabs in the area of concern as required by Connecticut General Statutes Section 13b-97(a).

V. ORDER

Therefore, based upon the foregoing Findings of Fact and Conclusions of Law, the application of Metro Access, LLC is hereby denied.

Dated at Newington, Connecticut, on this 25th day of October 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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