



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:
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DOCKET NUMBER 1106-C-59-T

RE: IN THE MATTER OF THE CITATION OF YELLOW CAB CO.
OF NEW LONDON & GROTON, INC. D.B.A. YELLOW CAB

Final Decision

August 10, 2011

I. INTRODUCTION

A. General

By citation dated June 22, 2011, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-96, as amended, Yellow Cab Co. of New London & Groton, Inc. d.b.a. Yellow Cab (hereinafter "respondents"), holders of Certificate Number 68 was ordered to come before the department to answer the allegations made therein.

Pursuant to said citation, the respondents were directed to appear at the Newington office of the Department of Transportation to show cause why Certificate Number 68 issued for the operation of taxicab service, should not be suspended or revoked or a civil penalty imposed for violation of their certificate pursuant to Connecticut General Statutes Section 13b-96, et seq.

More specifically, it is alleged that on or about June 10, 2011, the respondent violated Connecticut General Statutes Section 46a-44 and several Regulations of Connecticut State Agencies listed below:

1. 13b-96-4 Knowledge of Regulations
2. 13b-96-11 Proper Conduct
3. 13b-96-24 Order of Service
4. 13b-96-26 Refusal to pick up passenger

The citation was served upon the respondent by first class and certified mail and recited the department's reasons for issuing it.

B. Hearing Held

Pursuant to Section 13b-96 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on July 27, 2011.

Notice of the citation and the hearing to be held thereon was given to the respondent and to such other parties as required by Connecticut General Statutes Section 13b-96, as amended. Notice was also posted on the department's website.

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

C. Appearances

Joseph Miller appeared on behalf of the respondents. Attorney Mary Alice Moore Leonhardt represented the respondents. Ms. Leonhardt's mailing address is 102 Oak Street, Hartford, Connecticut 06106.

Eugene Morris, Transportation Public Transit Inspector with the Regulatory and Compliance Unit, presented evidence on behalf of the Department.

II. FINDINGS OF FACT

1. On June 10, 2011, two of the respondent's drivers, Ahmad Mansoor and Ahmad Naveed Ashfaq, were arrested at Bradley International Airport for being combative and refusing to go to the end of the queue line after they declined to transport a disabled passenger and his seeing eye dog.

2. The respondent immediately terminated the leases of the two drivers involved in the incident and has no plans to lease a taxicab to these individuals again.

3. The respondent gives information to the drivers concerning the rules and regulations which must be followed to lease a cab and posts notices about ADA (Americans with Disabilities Act) requirements on office bulletin boards. The company does not, however, make sure the drivers read the material they are given.

4. The two drivers in question refused to transport the service dog because they claim in their country they would not have to allow it.

III. DEPARTMENT ANALYSIS AND CONCLUSIONS OF LAW

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in taxicab service in the State of Connecticut in accordance with Connecticut General Statutes Section 13b-96, as amended.

Pursuant to Connecticut General Statutes Section 13b-97, the department may amend or for sufficient cause suspend or revoke any such permit. Further, the department may impose a civil penalty on any person who violates any provision of the governing chapter or any regulation adopted under Section 13b-96, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one hundred dollars per day for each violation.

The respondent attempted to distance itself from the actions of its drivers by claiming that it was the drivers fault and not that of the respondent. The department licenses the respondent company, not the actual drivers which it has no control over. The respondent company is therefore responsible for its driver's actions.

The respondent produced evidence that it made an attempt to inform the drivers about the rules and regulations governing taxicab service. It handed out printed material containing the rules and regulations and posted correspondence on the office bulletin board concerning ADA requirements. However, there was no mechanism in place to actually make sure the drivers read and understood the rules and regulations.

The department does not take these charges lightly. The actions of the drivers were clearly in violation of the law and will not be tolerated. However, as far as the respondent's responsibility, the respondent made an attempt to educate the drivers of the requirements and immediately took action in terminating the driver's leases as soon as this incident occurred. The respondent has stated under oath through its manager, Joseph Miller that these two individuals will not be afforded the opportunity to lease vehicles from the company again. Due to the quick response of the respondent in this matter, only a small civil penalty will be assessed against the company.

The respondent should find another mechanism to distribute material to its drivers to insure they have read and understood the material including requiring them to sign that they have read the material and holding meeting to explain the rules and regulations to the drivers.

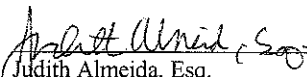
IV. ORDER

Based on the above, the respondents are hereby ordered to pay to the Department of Transportation a civil penalty in the amount of TWO HUNDRED FIFTY DOLLARS (\$250), by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut", within thirty (30) days from the date of this final decision.

Failure of the respondents to comply with this order shall result in revocation without further proceeding. This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this the 10th day of August 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION


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