

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

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DOCKET NO. 1111-N-118-T

RE: APPLICATION OF LAHCEN LATRACHE TO OPERATE ONE (1)
MOTOR VEHICLE, IN TAXICAB SERVICE, WITHIN AND TO AND
FROM, THE TOWNS OF NEW HAVEN AND WEST HAVEN TO ALL
POINTS IN CONNECTICUT.

FINAL DECISION

January 4, 2016

I. INTRODUCTION

A. Applicant's Proposal

By application filed on November 22, 2011, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Lahcen Latrache (hereinafter "applicant") of 1400 Ella Grasso Blvd., Apt. B, New Haven, Connecticut, seeks authorization to operate one (1) motor vehicle, in taxicab service, within and to and from New Haven and West Haven to all points in Connecticut.

B. Hearing

Pursuant to Section 13b-97(a) of the General Statutes, a public hearing on the instant application was held at the administrative offices of the Department in Newington, Connecticut, on December 15, 2015.

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

Lahcen Latrache appeared on his behalf without counsel. His address is 1400 Ella Grasso Boulevard, Apt. B, New Haven, Connecticut 06511.

Transportation General, Inc. d/b/a Metro Taxi appeared in opposition to the application and was represented by its president, William Scalzi. Transportation General, Inc. holds taxicab Certificate No. 86 and is authorized to operate taxicabs in New Haven and West Haven. Scalzi petitioned for intervenor status on the basis that there was no need and necessity for another taxicab in New Haven and West Haven and that the grant of the application would have a negative effect on the taxicab industry in New Haven and West Haven. Intervenor status was granted. Transportation General, Inc.'s address is 65 Industry Drive, West Haven, Connecticut 06516.

II. FINDINGS OF FACT

1. William Wells moved from New Haven to Waterbury and uses the applicant (who drives for Metro Taxi) for his transportation needs because he receives excellent service from the applicant. The applicant helps Wells to and from his house when he provides Wells rides, which other taxicab drivers do not do.

2. Wells requires assistance beyond just a ride since he lost his eyesight and the applicant assists him over and above what any other taxicab driver has done. Wells knows the applicant to be polite, and trustworthy, and attentive to Wells' needs as a passenger.

3. Although Wells now lives in Waterbury, he travels to New Haven to see his family and to go to medical appointments. After Wells met the applicant, he began calling the applicant directly for his transportation needs.

4. Hassan Loukrassi used to live in Middletown, lost his job and moved to New Haven where he met the applicant. Loukrassi uses the applicant for his transportation needs. Loukrassi calls the applicant directly and not through Metro Taxi.

5. The applicant was a taxicab driver for Metro Taxi on and off for approximately three years since 2010. He has also driven for Connecticut Taxi and New Haven/Milford Taxi.

6. The applicant has established a client base from driving customers who like his service, and who specifically call him back for their taxicab needs.

7. Besides providing rides to his established customer base, Latrache will provide rides to and from the train station in New Haven and airports in Connecticut.

8. Latrache will use a Toyota minivan for his business. The estimated cost for the car is between \$15,000 to \$21,000.

9. Insurance for the applicant's taxicab is estimated at approximately \$5000 a year, which Latrache will pay by down payment and monthly installments.

10. Latrache will drive one shift and he has a driver who will drive the other shift for the business.

11. The applicant's startup costs for the first six months of operation include advertising fees of \$700; cost to outfit the taxicab of \$700, property taxes of \$362; and maintenance is estimated at \$600.

12. The applicant has maintained an average of \$85,000 cash on hand over the past year.

13. Transportation General, Inc. d/b/a Metro Taxi operates taxicabs in New Haven and West Haven.

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.

As for the number of taxicabs to be operated, the instant application is for one taxicab. Public Act 12-81 amended Connecticut General Statutes Section 13b-97(a) to provide that no applicant for a new certificate shall operate fewer than three taxicabs, effective October 1, 2012. The instant case is unaffected by said public act as the application was filed on November 2011, prior to the statute change. Accordingly, a grant of one vehicle would be approved if the other criteria are met.

With regard to public convenience and necessity, which was recently defined by the Connecticut Supreme Court in the case of *Steve Martorelli v. Department of Transportation*, 316 Conn. 538 (2015), this hearing officer took several factors into consideration. In accordance with *Martorelli*, supra, to establish public convenience and necessity, the applicant must provide evidence on whether the proposed service will benefit the relevant class of users and whether the proposed service is more efficient, more economical, more convenient, more satisfactory or different than the services offered by existing service providers. One must also take into consideration whether the new service would create a potentially beneficial effect upon the rates and customer service and whether the acquisition of equipment would be more suitable to customer service; whether the population in the area that the applicant proposes to service is increasing and whether potential customers have requested service like that suggested by the applicant, and lastly, whether the proposed service will improve the existing mode of transportation.

The evidence presented on the record shows that there are people who have used the applicant for rides when he was working for other companies. The witnesses who testified stated that this applicant goes above and beyond what other taxicab drivers do, such as walking someone without sight to the door or waiting for the person to get ready, which one witness said was not service he has received from any other taxicab driver. The witness testimony supports the conclusion that the applicant's service will be more convenient and more satisfactory than that of the existing taxicab companies. Additionally, the testimony indicates that the caliber of service that this applicant has

provided would be more convenient and satisfactory than other taxicab service provided. The evidence of record also showed that the applicant has clients that call for his service, rather than calling the company for which the applicant may drive at any one time.

William Scalzi, who appeared on behalf of Transportation General, Inc. and in opposition to the application, testified that there was no need and necessity for another taxicab in the area of concern. He testified that his company's call volume was down and that the taxicab business is under siege by unlicensed taxicab operators and a grant of authority would negatively impact his company. While this may be the case, these facts are not, in and of themselves, enough to negate the standard set by *Martorelli*, supra, regarding public convenience and necessity. The department must look at the benefits to the ridership, not the potential harm to existing operators. Accordingly, the opposition's argument is given little weight in the determination of public convenience and necessity.

Based on the totality of the record, public convenience and necessity requires a grant of the requested authority.

The applicant provided evidence of financial wherewithal to operate the proposed service. He provided proof of cash in the amount of approximately \$97,000 as of October 1, 2015, with which he can purchase and outfit a vehicle with a meter and the required lettering, purchase insurance and keep up with maintenance and also advertise. As for the availability of qualified taxi operators, the applicant has another driver who will drive a shift for his proposed business. Moreover, the applicant meets the suitability requirement as he has no criminal conviction history.

Lastly, as there was no evidence presented to support a need for taxicab service in West Haven, that portion of the application will be denied.

IV. CONCLUSIONS OF LAW

The evidence of record supports the conclusions that Lahcen Latrache is suitable to operate the proposed service, possesses the financial wherewithal to operate the proposed service, and the public convenience and necessity requires a grant of authority for one vehicle to operate within and to and from New Haven.

V. ORDER

Therefore, based upon the foregoing and pursuant to Connecticut General Statutes Section 13b-97, the application of Lahcen Latrache is approved, in part, and Certificate No. 1236 is hereby issued as follows:

TAXICAB CERTIFICATE NO. 1236 FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE

Lahcen Latrache of New Haven, Connecticut, is hereby permitted and authorized to operate ONE (1) motor vehicle in taxicab service within, and to and from, New Haven

to all points in Connecticut.

RESTRICTIONS

The applicant must register its vehicle within 30 days from the date of this Final Decision. Failure to do so will result in revocation of this Certificate without further proceeding.

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.

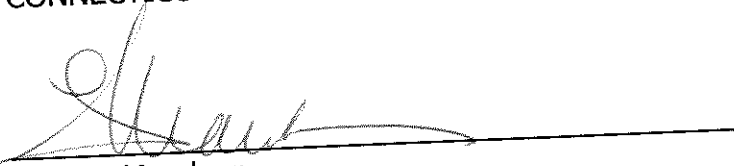
This Certificate shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the Certificate Holder to maintain proper insurance and/or to comply with all pertinent motor vehicle laws and other State statutes and/or the rules, regulations and orders of the Department 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.

This Final Decision constitutes notice in accordance with Connecticut General Statutes Section 4-182.

Dated at Newington, Connecticut, on this 4th day of January 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
Staff Attorney III
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