

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546  
NEWINGTON, CONNECTICUT 06131-7546

Phone:

DOCKET NO. 1209-N-131-T

RE: APPLICATION OF A & S TAXI TO OPERATE ONE (1) MOTOR  
VEHICLE IN TAXICAB SERVICE WITHIN AND TO AND FROM THE  
TOWNS OF CHESHIRE, HAMDEN, EAST HAVEN, NEW HAVEN  
AND WEST HAVEN.

DECISION

DECEMBER 1, 2016

## I. INTRODUCTION

### A. Applicant's Proposal

By application filed on September 6, 2012, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, A & S Taxi (hereinafter "applicant") with a mailing address of 35 Kenneth Street, Apt. 5-4B, West Haven, Connecticut 06516 seeks authorization to operate one (1) motor vehicle in taxicab service within and to and from the towns of Cheshire, Hamden, East Haven, New Haven and West Haven.

### B. Hearing Held

Pursuant to Section 13b-97(a) of the Connecticut General Statutes, as amended, a public hearing on this application was held at the Department of Transportation in Newington, Connecticut on November 22, 2016.

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 Connecticut General Statutes, as amended. Legal notice to the public was given by publication on the department's website.

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

### C. Appearances

Mr. Ayman El Salam and Mrs. Samah Motier appeared on behalf of the applicant. The applicant's mailing address is 35 Kenneth Street, Apt. 5-4B, West Haven, Connecticut 06516. The applicant was represented by Attorney Fatos Koleci with a mailing address of 509 Cherry Street, Suite A, Milford, Connecticut 06460.

Yasir Hamed is a Director with Access Consulting and Professional Services. He is a court certified translator with the American Translator Association.

His address is 129 Church Street, Suite 410, New Haven, Connecticut 06510.

D. Incorporation

At the hearing, the applicant decided to register with the Secretary of State as a limited liability company. This decision will incorporate the name change and registration.

II. FINDINGS OF FACT

1. The applicant is seeking to operate one (1) motor vehicle in taxicab service within and to and from the towns of Cheshire, Hamden, East Haven, New Haven and West Haven.

2. Mr. Salam has been a taxi driver for over fifteen years. He will be one of the drivers in the business. He is currently a driver with All American Cab.

3. Monsour Salih will also be a driver in the business. Each driver will work a twelve hour shift. Mr. Salih and his family use taxi service in emergencies. Recently, when he called three different companies for transportation at 11:45 PM, he could not get transportation except from the applicant.

4. Mr. Salam's wife, Samah Moteir, will perform all of the administrative functions of the business. Mrs. Moteir is currently the manager of a Duncan Donuts.

5. Mr. Salam speaks English and Arabic. Many of Mr. Salam's taxicab customers are from the Arabic community.

6. The applicant will be operating a 2009-2010 Lincoln Town Car.

7. The applicant's first six months of expenses include insurance costs of \$2150, vehicle purchase costs of \$5,500, repairs of \$1,400, \$138 for property tax, \$490 for taxicab conversion and \$798 for advertising for a total expense of \$10,476.

8. The applicant has \$18,013 in a Bank of America account.

9. Abdelaziz Elshmsy, his wife, Amal Elshamsy, and their son Ahmed

Elshamsy all use the applicant for taxicab transportation. They each attested to his good driving and reliability and will continue to use him three to four times a week for transportation if he gets approval.

10. Frolis Gis works for Mrs. Moteir at the Duncan Donuts. She calls Mr. Salam to transport her and her child about four times a week.

11. Aziza Etalbi uses the applicant to transport himself and his son two to three times a week.

12. There was no opposition to this application.

### III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over common carriers, which include 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.

With regard to suitability, the applicant submitted State Police Bureau of Identification Criminal History Forms for Ayman El Salam and Samah Moteir which showed no convictions. Mr. Salam has many years of experience driving a

taxi and will be able to effectively operate his own taxicab service. Based on the evidence presented, the applicant has proven suitability.

As far as the applicant's financial suitability is concerned, the applicant presented evidence that the applicant's first six months of expenses include insurance of \$2150, vehicle purchase costs of \$5,500, repairs of \$1,400, \$138 for property tax, \$490 for the taxi conversion, \$798 for advertising for a total expense of \$10,476. The applicant has \$18,013 in a Bank of America account and therefore has sufficient funds to operate the service proving financial suitability.

With regard to qualified drivers, the applicant has two drivers for the one car. That is a sufficient number of drivers to keep the car in service for the required twenty-four hours since each driver will work a twelve hour shift.

On the issue of public convenience and necessity, the applicant presented several witnesses who already use and need his taxicab service which they have found to be reliable and prompt. The applicant has many contacts in the Arabic community who are interested in using his service partly because they share the same language. The applicant already has defined a customer base and will be successful operating his own company. Based on the evidence presented, the applicant has proven public convenience and necessity.

#### IV. CONCLUSION

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of A & S Taxi, LLC is hereby granted and Certificate 1238 as follows:

#### **CERTIFICATE NUMBER 1238** **FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE**

A & S Taxi, LLC is hereby permitted and authorized to operate one (1) motor vehicle in taxicab service within and to and from Cheshire, Hamden, East Haven, New Haven and West Haven.

#### **RESTRICTIONS:**


**The applicant must register the one (1) vehicle granted under this certificate within sixty (60) days from the date of this decision.**

This certificate may not be sold or transferred until it has been operational, i.e., its vehicles registered with taxicab plates 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, as this department may from time to time prescribe, shall be considered sufficient cause to amend, suspend or revoke this certificate.

Dated at Newington, Connecticut on this 1<sup>st</sup> day of December 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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