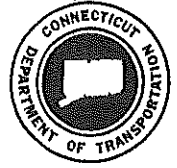




STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:  
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DOCKET NO. 1311-N-355-T

RE: APPLICATION OF PUTNAM TAXI, LLC TO OPERATE FOUR (4) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM ASHFORD, BROOKLYN, CANTERBURY, CHAPLIN, EASTFORD, HAMPTON, KILLINGLY, PLAINFIELD, POMFRET, PUTNAM, SCOTLAND, STERLING, THOMPSON, WOODSTOCK, CONNECTICUT TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

July 8, 2014

## I. INTRODUCTION

### A. Applicant's Proposal

By application filed on November 6, 2013, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Putnam Taxi, LLC (hereinafter "applicant") of 119 School Street, Apt. 6, Putnam, Connecticut, seeks authorization to operate four (4) motor vehicles in taxicab service, within and to and from Ashford, Brooklyn, Canterbury, Chaplin, Eastford, Hampton, Killingly, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, and Woodstock, to all points in Connecticut.

### B. Hearing

Pursuant to General Statutes §13b-97(a), as amended, a public hearing on this application was held at the administrative offices of the Department in Newington, Connecticut, on April 23, 2014.

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 General Statutes §13b-97(a). Notice to the public was given by publication on the department website at [www.ct.gov/dot](http://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

Putnam Taxi, LLC appeared through Robert Freeman, its member, and was represented by Anna Zubkova, Esq., whose mailing address is P.O Box 275, Plainfield, Connecticut 06375.

Ace Taxi Service, Inc. d/b/a Ace Taxi (hereinafter "Ace Taxi"), holder of taxicab Certificate No. 1066, appeared through Michael Olshafskie, its owner, and was represented by Mary Alice Moore Leonhardt, Esq. Ace Taxi filed for intervenor status in this matter. Ace Taxi does not hold authority to operate taxicabs within and to and from any of the towns for which the applicant seeks authority. Intervenor status was denied.

Yellow Cab Company of New London & Groton, Inc. d/b/a Yellow Cab Co. (hereinafter "Yellow Cab") holder of taxicab Certificate No. 68 and Union-Lyceum Taxi Company, Inc. d/b/a Yellow Cab Co. (hereinafter "Union-Lyceum"), holder of taxicab Certificate No. 95, appeared through their general manager, Joseph Miller and was represented by Mary Alice Moore Leonhardt, Esq. Yellow Cab and Union-Lyceum applied for intervenor status. Yellow Cab and Union-Lyceum do not hold authority to operate taxicabs within and to and from any of the towns for which the applicant seeks authority. Intervenor status was denied both petitioners.

### D. Administrative Notice

Norwich Taxi, LLC operates five (5) taxicabs within and to and from Canterbury, Plainfield, Sterling, Thompson and four (4) taxicabs within and to and from Chaplin.

## II. FINDINGS OF FACT

1. The applicant seeks authorization to operate taxicab service within and to and from Ashford, Brooklyn, Canterbury, Chaplin, Eastford, Hampton, Killingly, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, and Woodstock.

2. Robert Freeman, member of the applicant, has managed a law office and he manages a property investment company. Freeman drives a taxicab for Rose City Taxi in Norwich. He has worked there since January 2014.
3. There is currently no taxicab service within and to and from the towns of Ashford, Brooklyn, Eastford, Hampton, Killingly, Pomfret, Putnam, Scotland, and Woodstock. The proposed taxicab service would be important and advantageous to all of the areas of concern that have no taxicab service.
4. Functionally, there are no taxicabs working in the area of concern.
5. The applicant's business plan includes obtaining a loan from Webster bank for \$90,000 for purchase of the vehicles and expenses. Freeman has secured office space in Putnam for the business and he plans to market the business through newspapers, billboards and radio advertisement.
6. The applicant has cash on hand in the amount of \$18,000. Three 2010 Toyota Camrys that the applicant intends to use have a cost of \$36,099, the wheelchair van costs 9,022 for an approximate total cost for vehicles of \$45,000.
7. The insurance cost for each of the vehicles amounts to approximately \$5000, for a total six month cost of 30,000. The six-month operating costs, which include outfitting the taxicabs, repairs and maintenance, office expenses and advertising, are estimated at \$34,200.
8. The applicant's vehicles will be driven by independent contractors.
9. The applicant has two drivers secured and he will be the third driver. Freeman will advertise for additional drivers.
10. The applicant will use a cell phone dispatch system.
11. The territory of concern is rural in nature and there is no transportation readily available for the public.
12. There are approximately 95,000 people in the fourteen towns that compromise the area of concern, which has approximately 200,000 square miles.
13. Seniors who live in senior housing in the affected areas often do not drive and would use taxicabs to go shopping, run errands or go to a medical appointment. Currently, because of the lack of transportation, they must rely on family and friends for a ride.
14. Veterans associated with the VFW often need rides to go shopping and to run errands. Because of the lack of transportation, they must rely on family, friends or Veteran's club service officers for a ride.
15. Paul Sweet, First Selectman for the town of Plainfield, is in his tenth term of office and over the ten terms of office, he has received many calls from citizens looking for transportation. When the Sweet's office gets calls of complaint because there is no public transportation, he sends staff to provide rides to elderly citizens and veterans in the area.
16. David Lee Anderson owns a café/bakery in Putnam, where there are no taxicabs in operation and where, on several occasions, patrons have been stranded at the café because their ride did not show up or their car broke down. These people did not have alternative transportation and could

have used a taxicab.

17. Residents from Brooklyn, Canterbury, Killingly, Plainfield, Pomfret, Putnam, and Thompson have never seen taxicabs in those towns. They are vaguely aware that there may have been a taxicab service in the area years ago.
18. Norwich Taxi, LLC is not visible in the towns in which it operates within the area of concern.
19. Norwich Taxi, LLC holds authority to operate in some of the towns for which Putnam Taxi has applied.
20. No witnesses are seeking contract medical transportation.

### 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 General Statutes §13b-97(a) 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, provided no applicant for a new certificate shall operate, 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 its costs and expenses for the operation for a six-month period along with documentation of its available funds. Based on the information provided, the applicant would have enough money, with the cash on hand and the loan it received, to operate its business for a six-month start-up period. The applicant, therefore, has the financial wherewithal to operate the proposed service.

In support of suitability, the applicant provided the requisite criminal conviction history for showing no criminal history for Robert Freeman, the applicant's manager and owner. Freeman has become familiar with the regulations and statutes governing taxicab operation. The applicant has several years of experience as an office manager. He has also worked as a driver for a taxicab in Norwich.

As for as the number of drivers, the evidence shows that Freeman has secured two drivers in addition to himself. As such, the department can only grant authority for the number of drivers that the applicant has. Although Freeman testified that he would hire additional drivers, since he does not have a fourth driver, this hearing officer cannot grant four vehicles. In the event he may not be able to secure a driver for the fourth vehicle, a grant cannot be made for a fourth vehicle. When the applicant identifies and hires a driver for a fourth vehicle, Putnam Taxi, LLC may then file an application for an additional vehicle. The vehicles purchased will be covered by insurance and will all be safety inspected. No negative evidence was presented on the record so as to render the applicant's management unsuitable to operate the proposed service, but for the number of drivers that the applicant has.

In support of public convenience and necessity, the evidence shows that several of the towns for

which the applicant has applied do not have taxicab service. The records of the department show that there is one company that purportedly operates in five of the fourteen towns in the area of concern, to wit: Canterbury, Chaplin, Plainfield, Sterling, and Thompson. However, the evidence further shows that the existing taxicabs may not be in operation in the area of concern. The witnesses in the towns of Canterbury and Plainfield testified that they have never seen a taxicab in their towns. Moreover, the first selectman of Plainfield, a person who should be familiar with the transportation situation in his town, testified that Plainfield does not have a taxicab service.

Sharon Chviek, Economic Development Coordinator, and Russell Gray, First Selectman, both of Sterling, sent a letter of support indicating that there is no taxicab service in Sterling and the approval of a service would be beneficial for the public convenience and necessity in Sterling. In the absence of taxicab service in a certain area, a presumption can be made that the public convenience and necessity requires the operation of taxicabs in those areas where no taxicab service exists to enable its population to get to where they are going in absence of public transportation.

Freeman testified that he would like to provide medical transportation. Medical transportation is not taken into consideration with this application. Medical Transportation requires a separate application and different evidence, so the applicant is put on notice that any grant in this final decision is for taxicab service for the general public. As there was no evidence provided to support medical contract work, the applicant's first obligation is to provide private pay taxicab service to the general public

#### IV. CONCLUSIONS OF LAW

The applicant possesses the financial wherewithal to operate three motor vehicles in taxicab service. The applicant possesses the suitability to operate the proposed service and the public convenience and necessity requires the grant of three taxicabs within and to and from the towns of Ashford, Brooklyn, Canterbury, Chaplin, Eastford, Hampton, Killingly, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, and Woodstock to all points in Connecticut.

#### V. ORDER

Therefore, based upon the foregoing and pursuant to Connecticut General Statutes §13b-97, as amended, the application is approved, as amended, and the following taxicab certificate is hereby issued as follows:

TAXICAB CERTIFICATE NO. 1229  
FOR THE OPERATION OF MOTOR VEHICLE IN TAXICAB SERVICE

Putnam Taxi, LLC, of Putnam, Connecticut, is hereby permitted and authorized to operate THREE (3) motor vehicles in taxicab service, within and to and from Ashford, Brooklyn, Canterbury, Chaplin, Eastford, Hampton, Killingly, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, and Woodstock to all points in Connecticut.

#### RESTRICTIONS

All taxicabs approved herein shall be registered and placed into taxicab service within thirty (30) days of the date of this final decision.

This Certificate may not be sold or transferred until it has been operational, i.e., all vehicles 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 8<sup>th</sup> day of July 2014.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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