

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1405-AVAT-85-T

RE: APPLICATION OF SUBURBAN TRANSPORTATION, INC. D/B/A VALLEY CAB TO OPERATE FIVE (5) MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND FROM MIDDLEBURY, SOUTHURY, ROXBURY, WOODBURY, AND OXFORD TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

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March 22, 2016

## I. INTRODUCTION

### A. Applicant's Proposal

By application filed on May 21, 2014, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, Suburban Transportation, Inc. d/b/a Valley Cab (hereinafter "applicant") of 320 East Street, Plainville, Connecticut, seeks authorization to operate five (5) motor vehicles in taxicab service within and to and from Middlebury, Southbury, Roxbury, Woodbury, and Oxford 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. The first day of hearing was held on January 14, 2016 at the Woodbury Senior Community Center in Woodbury, Connecticut. The second and third day of hearings were held at the administrative offices of the Department in Newington, Connecticut, on January 28 and February 9, 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 General Statutes, as amended. 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

The applicant appeared through Waqar Afaq, and was represented by Michael Stone, Esq., whose mailing address is Post Office Box 1112, New Haven, Connecticut 06505-1112. The applicant's address is 320 East Street, Plainville, Connecticut 06062.

The Waterbury Yellow Cab & Service Company, Inc. d/b/a Yellow Cab Co. (hereinafter "Yellow Cab" or "intervenor"), whose address is 176 Cross Road, Waterford, Connecticut, petitioned for status in this matter. Joe Miller appeared on behalf of Yellow Cab Co. Yellow Cab Co. is holder of taxicab Certificate No. 107 and is authorized to operate three (3) taxicabs within and to and from Southbury and Newtown. Yellow Cab was granted intervenor status as to the territory of Southbury, and was represented by Matthew Forrest, Esq. His mailing address is 72 Somerset Street, Wethersfield, Connecticut 06109.

## II. FINDINGS OF FACT

1. JoAnn Cappelletti, of Middlebury is the Director of Social Services in Middlebury. She is familiar with transportation issues for elderly and handicapped in Middlebury. Middlebury is a member of the Greater Waterbury Transit District which provides residents access to public transportation through the town, but on a limited basis.

2. The Greater Waterbury Transit District operates only 5 days per week between the hours of 8:30 AM and 2:30 PM. There is a bus dedicated for Thursdays, but a ride must be reserved two days in advance, causing challenges to seniors when they have places to go outside of those hours. Cappelletti supports the application because the proposed service would provide residents with additional transportation options.

3. Middlebury has no taxicab service.

4. Loren Ray lives in Woodbury and is employed by the town of Woodbury as the Director of Senior Services, which seeks to identify people who need assistance, advocacy, and transportation. Woodbury is not part of the Greater Waterbury Transit District, but has limited town transportation, which operates between the hours of 8:30 AM and 3 PM.

5. Woodbury is mostly rural and while there are volunteers who drive people to medical appointments, they are not available all of the time. A study on aging identified the lack of on-demand evening and weekend transportation as a major area of concern.

6. Betty Geraci and Janet Grey are from Woodbury and while they both drive currently, they are concerned that there is a lack of public transportation in Woodbury.

7. Barbara Perkinson is a resident, and a selectman, of the town of Woodbury. She has lived in Woodbury since 1974 and is familiar with the town and its needs. Her experience with town needs ranges from being a member of the Board of Education to the Zoning Commission and Selectman since 2009. She knows transportation to be a big issue for the town. Although the town has services in place to assist the elderly with transportation, the town is unable to meet all of the needs of the residents of Woodbury.

8. Woodbury has no taxicab service.

9. The town of Roxbury has no taxicab service.

10. The access to transportation via the applicant's proposed taxicab service within and to and from the towns of Roxbury, Woodbury, and Middlebury would increase the mobility of the residents of said towns since they do not have any local taxicab service currently available to them.

11. The town of Oxford is serviced by Valley Livery & Limo, LLC d/b/a Valley Cab. Valley Livery & Limo, LLC d/b/a Valley Cab is authorized to operate nine (9) taxicabs within and to and from Oxford, among other contiguous towns.

12. No evidence was presented on the need for taxicab service in the town of Oxford.

13. Diane Hansen Greco lives in Southbury and is the senior center coordinator in Southbury and is familiar with transportation needs for the elderly community in the area. Southbury has several large senior communities, and while rides are provided for a variety of needs by the center, those services are limited. Those services also operate on a reservation basis, and are usually full. Those services do not operate on the weekends. Sometimes clients are referred to out of town taxicab companies but the cost becomes prohibitive.

14. Jeffrey A. Manville is a 57-year resident, and the First Selectman, of Southbury and is familiar with the transportation issues in Southbury. Transportation is a big issue in town. Manville's constituents have approached him in town to discuss the need for more transportation options in Southbury. Taxicab service provides that additional option for those who need transportation outside the hours provided by subsidized transportation.

15. Geraci and Grey are not aware that a taxicab company (Yellow Cab) already operates in Southbury.

16. The intervenor, Yellow Cab, operates within and to and from Southbury. Yellow Cab has not dedicated its authorized fleet of three vehicles (for Southbury and Newtown) specifically in that area. Using their authorized three vehicles within and to and from Southbury and Newtown will provide the Southbury area more accessible and visible, taxicab service.

17. Waqar Afaq is the accountant for the applicant company. He represented the applicant in his capacity the fiscal officer and related business person. Afaq has a master's degree in accounting and has been with the company for several years.

18. The management of the applicant company owns and operates the following companies: --Suburban Transportation, Inc. which holds Livery Permit No. 2721; --Suburban Transportation, Inc. d/b/a Valley Cab which holds Taxicab Certificate No. 1144 (and which is the applicant in this matter); --Suburban Transportation, Inc. d/b/a Tunxis Cab Co. which holds Taxicab Certificate No. 1193; --Farmington Valley Limo, LLC which holds Livery Permit No. 3252; --Farmington Valley Cab, LLC which holds Taxicab Certificate No. 1208; and --Torrington Valley Cab which holds Taxicab Certificate No. 1161.

19. Each of the companies owned by the management has its own bank account. However, the management of Suburban Transportation, Inc. comingles/moves its monies among and between its different entities, seemingly without documentation.

20. The applicant has a bank account in the name of the company, Suburban Transportation, Inc. d/b/a Valley Cab. That account contained a balance of \$201,972 as of November 30, 2015 and \$198,710 as of December 31, 2015.

21. The applicant intends to purchase five 2009-2010 Toyota Camrys at approximately \$12,000 each, which equates to \$60,000. The applicant proposes to purchase the vehicles with cash.

22. The one time cost for equipment to outfit the vehicles is approximately \$800 per taxicab, for a total of \$4,000. Maintenance costs per vehicle are estimated at approximately \$800 per vehicle, for a total 6-month start-up cost of \$4,800.

23. The annual premium for insurance for the applicant's vehicles is approximately \$6,800 per vehicle, for a total of \$34,000 per year. The applicant will pay ten percent down, and approximately \$3,400 per month for five vehicles. Six months of insurance costs a total of \$20,400 for five vehicles.

24. The applicant has a list of several drivers that will be ready to drive for the company should the application be approved.

25. Joe Miller is the General Manager for Yellow Cab. Yellow Cab is authorized to operate three (3) taxicabs within and to and from Southbury and Newtown pursuant to Taxicab Certificate No. 107.

26. The trip sheets provided by Yellow Cab are unreliable as the information on the trip sheets is incomplete. It is impossible to make a determination of usage of the Yellow Cab taxicabs based on the information listed on the trips sheets entered into evidence.

27. Yellow Cab does not have the authorized number of taxicabs dedicated to Southbury as required by its authority.

### 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.

In the case at bar, the applicant seeks to operate five taxicabs within and to and from Roxbury, Woodbury, Middlebury, Southbury, and Oxford. In support of financial wherewithal, the applicant provided evidence of several bank accounts in the name of Suburban Transportation, Inc. d/b/a Valley Cab. The applicant's cash on hand as of December 31, 2015 was approximately \$199,000. The start-up costs for the applicant as enumerated in the findings of fact total approximately \$100,000. Based on the cash on hand of the company, in light of the start-up costs that the applicant must have, the applicant has the ability to cover the first six months of startup costs for the proposed five vehicles it seeks to operate.

As for the entire financial picture of the applicant, Afaq, under cross-examination, testified that the companies owned Suburban Transportation, Inc. comingle funds and move funds back and forth between all of the companies operated by the management of the applicant. This practice does not show the true financial picture of the applicant. Cross-examination of Afaq showed that the managers/owners of this company move funds from company to company, but there is no documentation as to such transfers. The applicant is admonished that, should it wish to transfer monies from one company to another, that is to be documented in its financial statements. The financial information provided relative to the applicant's amount of cash on hand is sufficient to cover the start-up costs for the applicant for the first six months of operations; however, in the future, financial statements filed for an applicant should reflect the financial position of the applicant itself, not other companies owned by the management. Each company should stand on its own financial position.

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With regard to suitability of the applicant's management, the principles of the company have no criminal record and have not been implicated in criminal activity since the date of the criminal conviction history forms submitted on their behalf. The applicant's management's suitability comes into question where the financial affairs come into play, but as indicated earlier, this will not be held against the applicant's suitability in this matter. Prior to registering any vehicles granted herein, the applicant will be required to refile its financial statement/balance sheet to reflect its financial suitability, apart from any other companies owned by the same management. Doing so will further support the adequacy of the applicant's financial resources.

Lastly, on the issue of public convenience and necessity, Woodbury and Middlebury do not have taxicab service at all and it is therefore presumed that the public convenience and necessity requires the grant of authority in these towns. Although no one testified as to the public convenience and necessity in Roxbury, because there are no taxicabs authorized to

operate in that town, it is reasonable to presume that Roxbury requires a grant of authority.

The applicant also applied for authority in the town of Oxford. Oxford is serviced by Valley Livery & Limo, LLC d/b/a Valley Cab with nine vehicles. There was no testimony or evidence presented on the record showing that there is a need for taxicab service in Oxford.

As for the town of Southbury, the applicant presented testimony from two Woodbury residents in addition to town officials who spoke to the need for transportation within Woodbury and Southbury. The witnesses testified to the need for transportation options and more subsidized transportation to Southbury. The town officials who spoke to public convenience and necessity in Southbury spoke in terms of transportation options and how different options would provide more ways that the elderly community could travel.

The evidence tended to show that that the officials and witnesses did not know that there was taxicab authority existing in Southbury. The intervenor Yellow Cab, who has authority in Southbury and Newtown with three vehicles, presented its manager of operations who testified that Yellow Cab does not operate its full complement of cars in Southbury because there is no demand there. Trip sheets were entered into evidence and purported to show that there were not many trips recorded to and from Southbury. However, in looking at the trip sheets, this hearing officer could not determine the usage of taxicab vehicles because the trips sheets were incomplete and without designation of the towns serviced. Accordingly, the trip sheets are not probative of the usage of taxicab vehicles in Southbury.

Moreover, the evidence showed that not only has the intervenor not been operating its full complement of cars in Southbury, but those vehicles authorized for Southbury and Newtown have not been dedicated to the area, meaning that Yellow Cab does not keep its vehicles within Southbury and Newtown. This would tend to provide a reason why people may not know that there is taxicab service in Southbury. Therefore, this Final Decision will order the intervenor to operate its Southbury and Newtown authorized taxicabs to be used as authorized, meaning dedicated to that territory. That would continue to provide an alternative form of transportation to the local community. If the intervenor properly utilizes the taxicabs it is authorized for in Southbury and Newtown, the taxicabs would be more available to said populations. Full utilization of the vehicles granted authority for Southbury will provide the community members with transportation in the evenings and on weekends.

Considering the above, the evidence supports a grant of only three towns, Middlebury, Roxbury, and Woodbury. The evidence also shows that this area would require a grant of three vehicles. Three vehicles would meet the need that the local population has weekdays, evenings and weekends, where and when the subsidized, town transportation is not available for the citizens of those towns.

The last issue to be considered in this matter is the rate issue. The rates of fare established in the towns of Middlebury and Woodbury are set at \$3.00 for the first 1/8<sup>th</sup> mile,

\$0.30 each additional 1/8<sup>th</sup> mile, and \$0.30 for 30 seconds waiting time. The rates of fare established in Roxbury are set at \$3.00 for the first 1/9<sup>th</sup> mile, \$0.30 each additional 1/9<sup>th</sup> mile, and \$0.30 for 30 seconds waiting time. Since there are no taxicabs authorized to operate within and to and from Roxbury, the rates will be changed in Roxbury to conform to the rates of Middlebury and Woodbury.

#### IV. CONCLUSIONS OF LAW

Based on the evidence of record, the applicant possesses the suitability to operate the proposed service, the financial wherewithal to operate the proposed service and the public convenience and necessity requires a grant of authority of three vehicles to operate within, and to and from, the towns of Middlebury, Roxbury, and Woodbury in accordance with Connecticut General Statutes Section 13b-97.

Because there are no taxicabs operating in Roxbury, the rate of fare for Roxbury will be changed in accordance with Connecticut General Statutes Section 13b-96(a) to conform to the remainder of the towns in which authority will be granted to the applicant.

#### V. ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-96(a), as of the date of this Final Decision, the rate of fare in Roxbury shall be set as follows:

\$3.00 for the first 1/8<sup>th</sup> mile, \$0.30 each additional 1/8<sup>th</sup> mile, and \$0.30 for 30 seconds waiting time.

#### **CONDITIONS PRECEDENT:**

Prior to registering its vehicles, and within fifteen (15) days from the date of this Final Decision, the applicant must provide a financial statement/balance sheet for its company only, apart from any other companies owned by the applicant's management.

**Suburban Transportation, Inc. d/b/a Valley Cab is hereby ordered to register its vehicles within thirty (30) days from the date of this Final Decision. Failure to comply with any requirements of this ORDER will result in the automatic revocation of the authority granted in this docket. For purposes of revocation, this Final Decision constitutes notice within the meaning of Connecticut General Statutes Section 4-182(c).**

Based upon the evidence of record, based upon the above conclusions, and pursuant to Connecticut General Statutes Section 13b-97(a), as amended, the application is approved, in part, and Certificate No. 1144 is hereby amended and re-issued as follows:



TAXICAB CERTIFICATE NO. 1144  
FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE

Suburban Transportation, Inc. d/b/a Valley Cab is hereby permitted and authorized to operate motor vehicles in taxicab service as follows:

1. Four (4) motor vehicles within and to and from Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, Wethersfield, and Windsor;
  - a. Three (3) of the above four (4) motor vehicles may also be used within and to and from Avon and Canton.
2. Two (2) motor vehicles within and to and from Stonington.
3. Six (6) motor vehicles within and to and from Bristol and Wolcott;
  - a. Two (2) of the above six (6) motor vehicles may also be used within and to and from Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield, Windsor, Burlington and Plainville to all points in Connecticut.
4. Four (4) motor vehicles within and to and from Barkhamsted, Hartland, Harwinton, New Hartford, Plymouth, and Thomaston to all points in Connecticut.
5. Three (3) motor vehicles within and to and from Litchfield, Torrington, and Winchester to all points in Connecticut.
6. Six (6) motor vehicles within and to and from Bethlehem, Cornwall, Goshen, Morris, New Milford, Warren, and Washington to all points in Connecticut.
7. Five (5) motor vehicles within and to and from Canaan, Kent, North Canaan, Salisbury, and Sharon to all points in Connecticut.
8. Three (3) motor vehicles within and to and from Middlebury, Roxbury, and Woodbury.

RESTRICTIONS


The additional authority granted in this Certificate may not be sold or transferred until it has been operational, i.e., a vehicle registered with a taxicab 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 22<sup>nd</sup> day of March 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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Laila A. Mandour  
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