



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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Phone:

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DOCKET NO. 0909-N-73-L

RE: APPLICATION OF ARC TRANSPORTATION, LLC TO OPERATE ONE (1) MOTOR VEHICLE HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS, FOR THE EXPRESS PURPOSE OF PROVIDING REASONABLE LIVERY SERVICE TO HANDICAPPED PERSONS AND ELDERLY PERSONS, BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN BERLIN, CONNECTICUT.

FINAL DECISION

March 31, 2010

I. INTRODUCTION

A. Application

By application filed on October 15, 2009 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-105 of the Connecticut General Statutes, as amended, ARC Transportation, LLC (hereinafter "applicant") located at 288 Chamberlain Highway, Berlin, Connecticut seeks authorization to operate one (1) motor vehicle, having a seating capacity of ten (10) adults or less, for the express purpose of providing reasonable livery service for handicapped and elderly persons between all points in Connecticut from a headquarters in Berlin.

B. Hearing

Pursuant to Connecticut General Statutes, Section 4-177, as amended, a public hearing on this application was held on February 23, 2010.

Notice of the application and of the hearing to be held thereon was given to the applicant and to such other parties as required pursuant to General Statutes Section 13b-103(a)(1), as amended. Notice to the public was given by publication on the department website at www.ct.gov/dot.

A hearing officer designated by the Commissioner, pursuant to Connecticut General Statutes Section 13b-17 conducted the hearing on this matter.

C. Appearances

Thomas Zawadski, owner, appeared on behalf of the applicant company and was represented by Vincent Provenzano, Esquire, with the Law Offices of Michael J. Auger whose mailing address is 76 Batterson Park Road, Farmington, Connecticut 06032.

Sheldon Lubin, utilities examiner for the Regulatory and Compliance Unit of the department, appeared at the hearing.

No opposition was presented to the application.

D. Notice

Notice of the hearing was found to be defective as it was not sent to all carriers legally operating motor vehicles in livery service within the same territory as the applicant. Accordingly, after the close of the record, defective notice was cured and written notice was sent to the appropriate entities in accordance with Connecticut General Statutes Section 13b-103.

Those noticed of the hearing pursuant to statute were afforded an opportunity to receive the transcript of the proceedings and to advise the department as to their desire to be heard. No one sought to be heard, therefore no further hearing was held and the findings and conclusions made herein are made based upon the record of the proceeding held on February 23, 2010.

II. FINDINGS OF FACT

1. The applicant's representative is Thomas Zawadski. The applicant has a new mailing address of 288 Chamberlain Highway, Berlin, Connecticut. Zawadski is the owner of the company. The applicant seeks to provide transportation to elderly persons and persons in wheelchairs.
2. The applicant has a bank account established in its name with an approximately balance of \$10,841 as of January 26, 2010.
3. The applicant will be using a Ford E 250 if the application is approved. The applicant will have the vehicle outfitted with the required equipment in accordance with Connecticut General Statutes Section 14-100a.
4. The applicant has cash in the amount of \$10,846 as of February 18, 2010. The cost of insurance, which the applicant will partially finance, is estimated at \$10,343. The applicant must purchase the vehicles, which are estimated at between \$6,300 and \$7,800.
5. Zawadski and his wife have both committed to using their personal expenses in furtherance of the proposed service if approved.
6. The Zawadskis have a personal net worth of approximately \$195,000 and their current liabilities, with regard to three mortgages, is approximately the same amount.
7. Zawadski has some experience in driving commercial vehicles for hire that he gained from driving for Premier Limousine and from driving for J.B. Howe.
8. Gina Wenz is from Southington and had an elderly mother-in-law who required transportation from an assisted living home to the hairdresser. The only transportation Wenz could get for her mother-in-law was medical transportation.
9. Wenz also has elderly aunts and uncles who help in caring for another brother with Alzheimer's. They would use the transportation to take their brother to the store and other places.
10. Zawadski has no criminal conviction history.

11. Zawadski is employed full time as an account associate with Xerox. Zawadski will begin the proposed service with himself as a driver and will hire a driver if required. Zawadski holds a commercial driver's license.

12. There are other services for the elderly and handicapped however, they are mostly for medical transportation whereas the applicant seeks to provide other than medical transportation, in addition thereto.

13. No opposition was presented to the application.

III. DISCUSSION

The Department of Transportation has jurisdiction over each person, association, limited liability company or corporation owning or operating a motor vehicle in livery service in Connecticut. The department may issue livery permits to applicants for the express purpose of providing reasonable livery service to handicapped persons and elderly persons on regular or irregular routes where the department finds no existing service or that the existing service is not adequate to properly serve the needs of the handicapped and elderly.

In determining the special needs of the handicapped and elderly, the department may take into consideration the convenience and the physical and mental frailties of, and the care, safety and protection necessary for the best interest of, the handicapped and elderly and the general public pursuant to Connecticut General Statutes Section 13b-105.

On the issue of the existence of such service in the area of concern, the applicant provided evidence through a witness who has had difficulty getting transportation for her elderly mother-in-law. The mother-in-law lived in elderly housing, and while the housing complex provided medical transportation, it did not provide private pay transportation for the mother-in-law to go to the hair dresser. The witness had difficulty finding such transportation. Additionally, the witness who testified stated that her elderly aunts and uncles take care of another uncle who has Alzheimer's. They require such transportation to get to the store or go on outings or go to medical appointments. Such a service would be an asset to elderly and handicapped persons in the area of concern.

The applicant's representative provided the applicant's financial information in addition to evidence which supports his net worth, which he intends to use for the business if required. However, the representative's liabilities are extensive and since the applicant must purchase a vehicle, the applicant does not have the financial wherewithal to operate the proposed two vehicles. The applicant may, however, operate one vehicle and has a minimum of start up costs for the first six months. Any grant of authority therefore will be limited to one vehicle.

Lastly, the applicant's owner has no criminal record. He has experience in driving from driving with Premier Limo and J.B. Howe. Although he is an accounts examiner at Xerox, he has flexibility with his work and has saved his vacation so that he may drive the vehicle and provide the transportation first hand. Zawadski intends to resign his current full time position to work full time in the proposed business. No evidence was introduced that contravenes the suitability of the applicant's representative.

IV. CONCLUSIONS OF LAW

Based on the above Findings of Fact and Discussion, the applicant possesses the suitability to operate the proposed service and the financial wherewithal to operate one motor vehicle in livery service for the elderly and handicapped. Further, the best interest of the elderly and handicapped would be served and the care and protection of the elderly and handicapped would be serviced with a grant of the requested authority, in accordance with Connecticut General Statutes Section 13b-105.

The applicant's authority will be conditioned on compliance with the requirements of subsection (e) of Section 14-100a of the Connecticut General Statutes.

V. ORDER

The application of ARC Transportation, LLC, given Docket No. 0909-N-73-L is hereby granted pursuant Connecticut General Statutes Section 13b-105, and Permit Number 3238 is issued as follows:

LIVERY PERMIT NO. 3238
FOR THE EXPRESS PURPOSE OF PROVIDING
REASONABLE LIVERY SERVICE FOR HANDICAPPED AND ELDERLY PERSONS

ARC Transportation, LLC is hereby permitted and authorized to operate ONE (1) motor vehicle having a seating capacity of less than ten (10) adults, for the express purpose of providing reasonable livery service for handicapped and elderly persons, between all points in Connecticut from a headquarters in Berlin, Connecticut.

CONDITION PRECEDENT TO REGISTRATION:

Prior to registration, the ARC Transportation, LLC's vehicle shall be certified by inspection that it complies with the requirements of subsection (e) of Section 14-100a of the Connecticut General Statutes.

The ARC Transportation, LLC shall place its vehicle in service within 45 days from the date of this final decision.

This Permit may not be sold or transferred until it has been operational, i.e., its vehicles registered with the livery plates thereunder, for not less than twenty-four (24) consecutive months.

This Permit shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the Permit holder to maintain proper insurance and/or 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 Permit.

This Permit 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.

A memorandum of this Permit, bearing the seal of the Department, shall be kept conspicuously posted in the motor vehicles operated under this Permit.

Dated at Newington, Connecticut, this 31st day of March 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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