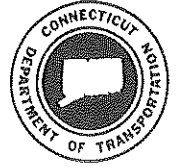




STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1608-NGOV-96-L

RE: APPLICATION OF BETHEL AMBULETTE, INC. TO OPERATE THREE (3) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, FOR THE TRANSPORTATION OF PASSENGERS FOR HIRE BY VIRTUE OF A CONTRACT WITH, OR A LOWER TIER CONTRACT FOR ANY FEDERAL, STATE OR MUNICIPAL AGENCY BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN STRATFORD.

DECISION

DECEMBER 7, 2016

## I. INTRODUCTION

### A. APPLICATION

By application filed on August 23, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Bethel Ambulette, Inc. (hereinafter "applicant") with a mailing address of 727 Honeyspot Road, Suite 201, Stratford, Connecticut 06615 seeks authorization to operate three (3) motor vehicles, having a passenger seating capacity of less than eleven (11) adults, for the transportation of passengers for hire by virtue of a contract with, or a lower tier contract for, any federal, state or municipal agency between all points in Connecticut from a headquarters in Stratford.

### B. HEARING

Pursuant to Connecticut General Statutes, Section 13b-103(a) (3), as amended, a public hearing on this application was held on December 6, 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 pursuant to Connecticut General Statutes Section 13b-103(a)(1), as amended. Legal notice to the public was given by publication on the department's website.

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

### C. APPEARANCES

Saji Thomas appeared on behalf of the applicant. The applicant's mailing address is 727 Honeyspot Road, Suite 201, Stratford, Connecticut. The applicant was represented by Attorney Stephanie Laska with a mailing address of 101 Merritt 7 Corporate Park, Suite 300, Norwalk, CT 06851.

Claude Bisson, Transportation Manager for Logisticare Solutions, LLC appeared as a witness. His mailing address is 127 Washington Avenue, 5<sup>th</sup> Floor, North Haven, CT 06473.

## II. FINDINGS OF FACT

1. The applicant seeks to operate an additional three (3) wheelchair accessible motor vehicles under contract with Logisticare.
2. The applicant executed a contract with Logisticare in 2013 and currently operates three (3) vehicles under that contract.
3. The applicant rejects three to five trip requests per day from Logisticare.

4. Claude Bisson, Transportation Manager from Logisticare, supports the application. Logisticare has seen the need for wheelchair accessible vehicles increase from fourteen to seventeen percent over the past year. Logisticare needs additional vendors willing to provide wheelchair accessible transportation.

5. The applicant's first six months of expenses includes insurance costs of \$13,492, maintenance of \$4,426, property tax of \$2,257, legal expenses of \$5,000 and vehicle payments including retrofitting of 12,258.

6. The applicant has \$117,626 in The Milford Bank.

7. Edwin Maisonett is a customer of the applicant. He has difficulty getting timely transportation due to the lack of wheelchair vehicles available for his transportation needs.

8. This application was not opposed.

### III. DISCUSSION

The department has jurisdiction over each person, association, limited liability company or corporation owning or operating a motor vehicle in livery service, pursuant to Connecticut General Statutes Section 13b-102, as amended.

In determining whether a livery permit should be granted, the department shall take into consideration the present or future public convenience and necessity. The applicant must prove that the public's convenience and necessity will be improved by the proposed service. Additionally, the applicant must show the suitability of the applicant or the suitability of the management if the applicant is a limited liability company or corporation, the financial responsibility of the applicant, the ability of the applicant efficiently and properly to perform the service for which authority is requested and the fitness, willingness and ability of the applicant to conform to the provisions of the statutes and the requirements and regulations of the department thereunder, in accordance with Connecticut General Statutes Section 13b-103.

To show financial support, the applicant has presented evidence that the first six months of expenses includes insurance costs of \$13,492, maintenance of \$4,426, property tax of \$2,257, legal expenses of \$5,000 and vehicle payments including retrofitting of 12,258 for a total expense of \$37,433. The applicant has \$117,626 in The Milford Bank. Based on the evidence presented, the applicant is financially viable to operate the proposed livery service since its assets far outweigh the costs.

Regarding the applicant's suitability, Mr. Thomas submitted a criminal record check which disclosed no convictions. He has been in the livery business for the past five years and is familiar with the rules and regulations. Based on the evidence presented, applicant is suitable to

perform the proposed livery service.

On the issue of public convenience and necessity, Mr. Bisson testified that Logisticare entered into a contract in 2012 with the applicant for livery service and Logisticare now desires to expand the amount of business it refers to the applicant. The applicant also presented testimony of a customer who has issues getting timely service for medical appointments.

Based on all of the evidence presented, the applicant will be granted a governmental livery permit.

#### IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application is hereby granted. Accordingly, Livery Permit Number 3253, standing in the name of Bethel Ambulette, Inc. is hereby issued as follows:

#### **LIVERY PERMIT NO. 3253**

Bethel Ambulette, Inc. is permitted to operate two (2) motor vehicles having a seating capacity of less than eleven (11) passengers in livery service for the express purpose of providing livery service to handicapped and elderly persons from a headquarters in Stratford.

#### **RESTRICTIONS:**

The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder for not less than twenty-four (24) months.

This permit shall remain in effect until 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, rules, regulations and orders of the department as may be prescribed from time to time, may result in suspension or revocation of this permit.

#### **DURATIONAL LIVERY SERVICE UNDER CONTRACT WITH LOGISTICARE DOCKET NO. 1608-NGOV-96-L-GRANTED ON DECEMBER 7, 2016**

Bethel Ambulette, Inc. is authorized to operate three (3) **wheelchair accessible** motor vehicles, having a seating capacity of less than eleven (11) adults, for the provision of transportation for hire by virtue of a contract with Logisticare from a headquarters in Stratford.

#### **RESTRICTIONS:**

**The applicant must register and insure all three (3) wheelchair accessible motor vehicles granted in this docket within sixty (60) days from the date of this final decision. Any**

**vehicles not registered or insured within the sixty (60) day period will be revoked automatically.**

The authority for the three (3) vehicles granted in Docket No. 1608-NGOV-69-L shall be durational in nature and shall exist only for the period of time that the permit holder has a current and continuing contract in effect for the provision of service with Logisticare.

The permit holder shall notify the department of any termination of its contract with Logisticare or the cessation of the active provision of service thereunder. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicles authorized in this decision, a current, executed copy of the extension of said contract. Failure to file an extension of the contract, or a new executed contract shall void the authority for the vehicles authorized pursuant to this contract.

This permit is not transferable and shall remain in effect until revoked by the department or until the contract under which this authority is granted has expired. Failure of the permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke said permit.

A memorandum of this permit, bearing the seal of the department, shall be conspicuously posted in each motor vehicle operated under this permit.

**DURATIONAL LIVERY SERVICE UNDER CONTRACT  
WITH LOGISTICARE AND MEDICAL TRANSPORTATION MANAGEMENT, INC.  
DOCKET NO. 1207-NGOV-100-L-GRANTED ON AUGUST 6, 2013**

Bethel Ambulette, Inc. is authorized to operate three (3) motor vehicles, having a seating capacity of less than eleven (11) passengers, for the provision of transportation for hire by virtue of a contract with Logisticare and Medical Transportation Management, Inc. from a headquarters in Stratford.

**RESTRICTIONS:**

The authority for the three (3) vehicles granted in Docket No. 1608-NGOV-69-L shall be durational in nature and shall exist only for the period of time that the permit holder has a current and continuing contract in effect for the provision of service with Logisticare and Medical Transportation Management, Inc.

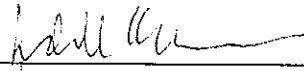
The permit holder shall notify the department of any termination of its contract with Logisticare or Medical Transportation Management, Inc. or the cessation of the active provision of service thereunder. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicles authorized in this decision, a current, executed copy of the extension of said contract. Failure to file an extension of the contract, or a new executed contract shall void the authority for the vehicles authorized pursuant to this contract.

This permit is not transferable and shall remain in effect until revoked by the department or until the contract under which this authority is granted has expired. Failure of the permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke said permit.

A memorandum of this permit, bearing the seal of the department, shall be conspicuously posted in each motor vehicle operated under this permit.

Dated at Newington, Connecticut on December 7, 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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