



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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Phone:

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DOCKET NUMBER 1609-N-106-L

RE: APPLICATION OF ANM LIMO TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN ANSONIA.

DECISION

DECEMBER 15, 2016

I. INTRODUCTION

A. General

By application filed on September 13, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, ANM Limo, LLC ("applicant") with a mailing address of 54 Church Street, Ansonia, Connecticut 06401 seeks authorization to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in general livery service between all points in Connecticut from a headquarters in the town of Ansonia.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on December 8, 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 the Connecticut General Statutes Section 13b-103. 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

Nathaniel Washington appeared pro se on behalf of the applicant. Mr. Washington's mailing address is 54 Church Street, Ansonia, Connecticut 06401.

II. FINDING OF FACTS

1. The applicant seeks to operate one (1) motor vehicle in intrastate livery service from a headquarters in Ansonia.
2. The applicant has operated in interstate livery under permit number 3533 since June 2016.
3. The applicant wants to provide his clients with more customer service by coordinating his outfit with the occasion and offering good customer service.
4. Mr. Washington was a driver for Connecticut Limousine and currently works as a bus driver with GBT.
5. The applicant has \$10,460 in a Webster Bank.
6. The applicant's first six months of expenses includes insurance cost of \$1,080, maintenance of \$75, property tax of \$350, communication expenses of \$360 and advertising of \$50 for a total expense of \$1,915.

7. The applicant will operate a 2005 Lincoln Stretch Limousine.
8. Mr. Washington will be the only driver of the vehicle.
9. At the current time, the applicant receives business only through word of mouth.
10. The applicant anticipates performing proms, weddings, funerals, nights on the town and trips to the airport.
11. Mr. Washington has received requests for intrastate livery trips which he has not been able to perform.
12. This application was not opposed.

III. DEPARTMENT ANALYSIS

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.

Some factors to consider in granting a livery permit are whether the service will benefit the relevant class of users, whether the proposed service is more efficient, more economical, more convenient, more satisfactory, or different than the services offered by the existing service providers, whether the new service would create a potentially beneficial effect upon rates and customer service and whether the acquisition of equipment would be more suitable to customer needs, whether the population in the area that the applicant proposes to service is increasing, whether potential customers have requested a service like that suggested by the applicant and whether the proposed service will improve the existing mode of transportation as defined in Martorelli v. Department of Transportation 316 Conn. 538 (2015).

The financial review conducted by the department in livery applications is simply whether the applicant can operate the business for the first six months without relying on revenue which is speculative. The expenses considered in the financial analysis are major expenses during this time and not minor expenses which may or may not come into play after authority is granted. The applicant is not required to go into minute detail accounting for every possible expense.

In support of financial wherewithal the applicant presented evidence that the applicant's first

six months of expenses includes insurance cost of \$1,080, maintenance costs of \$75, property tax of \$350, communication expenses of \$360 and advertising of \$50 for a total expense of \$1,915. The applicant is deemed financially suitable to operate this livery service because he can meet his expenses for the first six months.

With regard to suitability, the applicant provided the requisite criminal conviction history form for Mr. Washington which failed to disclose any prior criminal history. Mr. Washington has years of experience as a livery driver and opened his own interstate livery company in 2016. Based on the evidence presented, the applicant has proven the required suitability and fitness and ability to be granted a livery permit.

The applicant must also prove public convenience and necessity. The applicant has clients who have requested intrastate service from him and his business is being negatively impacted by his inability to perform this work. He is operating in interstate livery at this point and it is a natural extension of that business to operate in intrastate service.

Based on the evidence presented, the applicant has proven the required elements to be granted livery authorization.

V. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of ANM Limo, LLC is hereby granted and Livery Permit Number 3533 is reissued as follows:

LIVERY PERMIT NO. 3533
FOR THE OPERATION OF LIVERY SERVICE

ANM Limo, LLC is hereby permitted and authorized to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Ansonia.

ANM Limo, LLC is also hereby permitted and authorized to operate motor vehicles as a common carrier of passengers, in charter and special operations, in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of MC 966277-C.

RESTRICTIONS:

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

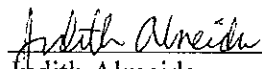
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder for not less than twenty-four (24) months.

This permit shall remain in effect until 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 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 this 15th day of December 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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