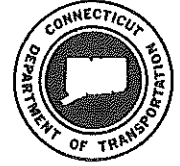




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1612-N-140-L

RE: APPLICATION OF LUCKY LIVERY, LLC DBA LUCKY LIVERY AND LIMO TO OPERATE TWO (2) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN HAMDEN.

DECISION

FEBRUARY 3, 2017

I. INTRODUCTION

A. General

By application filed on December 20, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Lucky Livery, LLC dba Lucky Livery and Limo ("applicant") with a mailing address of 7 Loller Road, Hamden, Connecticut 06514 seeks authorization to operate two (2) motor vehicles, 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 Hamden.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on January 31, 2017.

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

Tariq Mehmood appeared on behalf of the applicant. The applicant was represented by Attorney Benjamin Trachten with a mailing address of 679 State Street, New Haven, Connecticut 06511.

II. FINDING OF FACTS

1. The applicant seeks to operate two (2) motor vehicles in intrastate livery service from a headquarters in Hamden.
2. Tariq Mehmood, the only member and Farhat Abbas will be the two drivers in the company.
3. The applicant will purchase two 2016 Honda Pilots for use in the livery service.
4. The applicant's first six months of expenses includes insurance of \$6,120, maintenance of \$1,200, property tax of \$1,059, communication costs of \$600 and vehicle financing of \$7,410 for a total expense of \$16,389.
5. The applicant has \$35,892 in a TD bank account.
6. The applicant has an established customer base having worked as a taxi driver for the past six years.

7. Bashir Hussain is a customer of the applicant's taxicab service. His family will use the applicant's livery service three to four trips a week. The applicant keeps his car clean and is very helpful.
8. Faisal Shehzad needs the applicant for intrastate transportation two to three times a week.
9. Fayyaz Quishi will use the applicant three to four times a month for intrastate trips.
10. Shahbaz Ahmed will use the applicant three to four times a month to go to the casino. He prefers to use the applicant because of the good customer service.
11. 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).

In support of financial wherewithal the applicant presented evidence the applicant's first six months of expenses includes insurance costs of \$6,120, maintenance of \$1,200, property tax of \$1,059, communication costs of \$600 and vehicle financing of \$7,410 for a total expense of \$16,389. The applicant has \$35,892 in the TD bank which is enough to cover the start-up expenses.

With regard to suitability, the applicant provided the requisite criminal conviction history form for Tariq Mehmood which disclosed no convictions. Mr. Mehmood has been a livery or taxi driver for the past six years and has experience in the industry. Based on the evidence, the applicant has

proven suitability.

The applicant must also prove public convenience and necessity. As a current taxicab driver, the applicant has developed a customer base presenting four witnesses who use the applicant's service now. Each witness testified that he would continue using the applicant in his new livery service because of the good customer service he provides. His cars are clean and he is punctual. Each witness quantified their needs for intrastate and when added together it represents approximately thirty-six trips per month for the applicant.

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 Lucky Livery, LLC dba Lucky Livery and Limo is hereby granted and Livery Permit Number 3580 is issued as follows:

**LIVERY PERMIT NO. 3580
FOR THE OPERATION OF LIVERY SERVICE**

Lucky Livery, LLC dba Lucky Livery and Limo is hereby permitted and authorized to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Hamden.

RESTRICTIONS:

The applicant must register the two (2) vehicles granted under this decision within sixty (60) days from the date of this final decision.

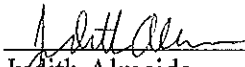
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder for not less than twenty-four (24) months.

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 3rd day of February 2017.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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