



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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Phone:

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DOCKET NO. 1711-N-124-L

RE: APPLICATION OF QC CARES TRANSPORT, LLC TO OPERATE FOUR (4) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) PASSENGERS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN BOZRAH.

DECISION

MARCH 9, 2018

I. INTRODUCTION

A. APPLICATION

By application filed on November 22, 2017, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, QC Cares Transport, LLC (hereinafter "applicant") with a mailing address of 322 Fitchville Road, P.O. Box 330, Bozrah, Connecticut 06334 seeks authorization to operate four (4) motor vehicles, each having a seating capacity of less than eleven (11) passengers, in livery service for the elderly and handicapped between all points in Connecticut from a headquarters in Bozrah.

B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on March 6, 2018.

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, 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

Christine Baker appeared pro se on behalf of the applicant. The applicant's address is 322 Fitchville Road, P.O. Box 330, Bozrah, Connecticut 06334.

D. ERROR IN HEARING NOTICE

The application was filed for elderly and handicapped livery service. However, the application was sent to the Administrative Law Unit as a general livery application. Ms. Baker stated at the hearing that she did not intend to apply for general livery service and instead wanted elderly and handicapped livery service.

II. FINDINGS OF FACT

1. The applicant seeks to operate four (4) motor vehicles in elderly and handicapped livery service from a headquarters in Bozrah.

2. For the past twelve years the applicant has owned a home care company that services the elderly and people with disabilities called QC Home Care Solutions.

3. As part of her home care, the applicant provides transportation to clients. The applicant has also provided transportation to people on a donation basis through various organizations for the past two years.

4. Ms. Baker and four of her employees have public service licenses and will be the drivers for the livery service.

5. The applicant has extensive connections with various organizations, nursing homes and other facilities which could refer livery work to her.

6. The applicant plans to lease the four (4) vehicles for the Rideshare Company which would provide the maintenance, insurance and property tax on the vehicles. The vehicles to be utilized are MV1 vans which are wheelchair accessible.

7. The applicants first six months of expenses include lease fees of \$37,200, advertising costs of \$200 and communication costs of \$2,400.

8. The applicant has \$32,221 in the Liberty Bank and \$24,228 in the Charter Oak.

9. The applicant's records for the two weeks preceding the hearing show that in the week of February 3, 2018, the applicant provided 52 trips. So far this week, the applicant provided 94 trips.

10. Mark Taronto, Secretary for Harrington Court, testified as a witness. Harrington Court is a 130 bed nursing home and rehabilitation center in Colchester. He supports the application because many of the residents cannot afford to take other livery services. He knows the applicant and fully supports her and her company because the drivers are good and his clients are pleased with the service that she provides. He envisions his clients using the applicant for livery trips to medical appointments and social occasions.

11. The applicant provides a door to door service and remains with the clients while they are waiting for their appointments.

12. The applicant is charging the lowest acceptable livery rate possible.

13. This application is 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.

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).

To show financial suitability the applicant submitted information that the applicant's first six months of expenses includes lease fees of \$37,200, advertising costs of \$200 and communication costs of \$2,400 for a total expense of \$39,800. The applicant has a cash total of \$56,449 in the bank. Based on the evidence presented, the applicant is more than able to sufficiently cover its bills for the start-up period.

Regarding the applicant's suitability, a criminal record check was performed for Christine Baker which shows no criminal record. The applicant has been providing livery type transportation on a donation basis already and has a public service license. The applicant has the fitness, willingness and ability to conform to the provisions of the statutes and the requirements and regulations of the department.

There are several forms of evidence that can be used to show public convenience and necessity such as independent witness testimony from customers and trip records, among others.

Docket No. 1711-N-124-L
QC Cares Transport, LLC

To prove public convenience and necessity the applicant presented the testimony of one witness who supported the application because his clients don't all have transportation provided to them and the applicant's rates are very reasonable. The applicant also provided many letters of support from various organizations which want to use her service. There appears to be more than enough clients to operate four (4) vehicles in elderly and handicapped livery service.

The applicant has shown the required suitability, financial ability and public convenience and necessity to be granted this livery permit.

VI. 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 3628, standing in the name of QC Cares Transport, LLC is hereby issued as follows:

LIVERY PERMIT NO. 3628

QC Cares Transport, LLC is authorized to operate four (4) motor vehicles, having a seating capacity of less than eleven (11) passengers, in elderly and handicapped livery service from a headquarters in Bozrah.

RESTRICTIONS:

The applicant must register and insure all four (4) vehicles granted under this decision within sixty (60) days from the date of this decision.

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. If at any time during the twenty-four consecutive month period the applicant enters into a contract for the sale of any of the vehicles authorized under livery permit number 3304, the authority granted herein for the four additional vehicles will be revoked.

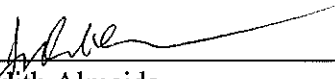
This permit shall remain in effect until it is amended, suspended or revoked by the department. Failure of the permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other state statutes and/or rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke said permit.

A memorandum of this permit, bearing the seal of the department, shall be

Docket No. 1711-N-124-L
QC Cares Transport, LLC

conspicuously posted in each motor vehicle operated under this permit.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida
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Docket No. 1711-N-124-L
QC Cares Transport, LLC