

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NO. 1712-NGOV-135-L

RE: APPLICATION OF STATEWIDEBTRANSPORTATION, LLC TO OPERATE SIX (6) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) PASSENGERS, 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 BRIDGEPORT.

DECISION

May 3, 2018

I. INTRODUCTION

A. APPLICATION

By application filed on January 24, 2018, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Statewidebtransportation, LLC (hereinafter "applicant") with a mailing address of 1016 Wayne Street, Bridgeport, Connecticut 06606 seeks authorization to operate six (6) motor vehicles, each 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 Bridgeport.

B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on April 17, 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

Mr. Abdelnaser Mahmoud appeared on behalf of the applicant. The applicant was represented by Attorney Mike Stone with a mailing address of 129 Church Street, Suite 806, New Haven, Connecticut 06510.

Mr. Saji Thomas appeared on behalf of Bethel Ambulette which was granted intervenor status in this matter. Bethel Ambulette was represented by Attorney Stephanie Laska of Harris, Harris and Schmid with a mailing address of 101 Merritt 7 Corporate Park, Ste. 300, Norwalk, Connecticut 06851.

II. FINDINGS OF FACT

1. The applicant seeks to operate six (6) motor vehicles under contract with Veyo to provide non-emergency medical transportation.
2. Mike Bounaiuto, Provider Operations Coordinator, appeared on behalf of Veyo in support of the application.

3. Veyo has a great need for sedans and wheelchair accessible vehicles in New Milford and wheelchair accessible vehicles in Middlesex County.
4. Veyo does not need additional livery providers in Fairfield County.
5. The applicant will be operating six vehicles which include: 2006 Ford van, two (2) 2008 Ford Vans, 2008 Dodge Caravan, 2011 Dodge Caravan and a 2012 Chevy Impala. All of the vehicles are owned outright by the applicant.
6. The applicant's first six months of expenses includes \$20,580 for insurance, \$2,000 for maintenance, \$311 for property tax, \$6,000 for office rent and \$240 for communication for a total of \$29,131.
7. The applicant has \$64,844 in a TD Bank account.
8. Mr. Mahmoud has prior business experience operating several stores and a restaurant. He has also acted as a livery driver.
9. Bethel Ambulette operates six (6) wheelchair accessible vans in medical livery exclusively for Veyo and also has two (2) general livery vans which are used for Veyo work in Fairfield County.
10. Bethel Ambulette uses an average of 7.5 vehicles per day for Veyo work.
11. Livery providers are not guaranteed a certain amount of work from Veyo.
12. The applicant has a sufficient amount of drivers to operate the six (6) vehicles requested.
13. The applicant's six (6) vehicles will have no impact on the intervenor, Bethel Ambulette.

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 presented evidence that the first six months of expenses includes \$20,580 for insurance, \$2,000 for maintenance, \$311 for property tax, \$6,000 for office rent and \$240 for communication costs for a total expense of \$29,131. The applicant has \$64,844 in a TD Bank account which is more than sufficient to cover these initial costs.

Regarding the applicant's suitability, a criminal record check was performed for Abdelnaser Mahmoud which shows no criminal record. Mr. Mahmoud has operated several businesses in the past and also has livery experience. Based on the evidence presented, the applicant is suitable to perform this service.

On the issue of public convenience and necessity, the applicant presented Mike Bounaiuto from Veyo who testified that Fairfield County doesn't need additional medical livery service. However, the town of New Milford and Middlesex County do have a need. The applicant is willing to work in this area despite it being further away from its headquarters in Bridgeport and Veyo is willing to contract with the applicant for the livery service.

The intervenor, Bethel Ambulette claims that the applicant's contract with Veyo will have a negative impact on its business. However, the evidence doesn't support that position. Bethel Ambulette is using six (6) government contract vehicles exclusively for Veyo work in addition to its two (2) general livery vehicles. The intervenor uses an average of 7.5 vehicles daily for Veyo work. There does not appear to be any shortage of work from Veyo to the intervenor.

In addition, the applicant is going to be working in an entirely different service area than Bethel Ambulette. Bethel Ambulette operates in Fairfield County. The applicant will be working in New Milford and Middlesex County as Veyo has no need for livery providers in Fairfield County. The applicant's proposed service will not have any impact on the intervenors business. Based on all of the evidence presented, the applicant will be granted six (6) governmental livery permits for Veyo.

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 3634 standing in the name of Statewidebtransportation, LLC is hereby approved and is issued as follows:

LIVERY PERMIT NO. 3634

DURATIONAL LIVERY SERVICE UNDER CONTRACT WITH VEYO

DOCKET NO. 1712-NGOV-135-L-GRANTED ON MAY 1, 2018

Statewidebtransportation, LLC is authorized to operate six (6) motor vehicles, each having a seating capacity of less than eleven (11) passengers, for the provision of transportation for hire by virtue of a contract with Veyo from a headquarters in Bridgeport.

RESTRICTIONS:

The applicant must register and insure the six (6) motor vehicles granted in this docket within sixty (60) days from the date of this decision. If these vehicles are not registered or insured within the sixty (60) day period, the permit will be revoked automatically.

The authority for the six (6) vehicles granted in Docket No. 1712-NGOV-135-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 Veyo.


The permit holder shall notify the department of any termination of its contract with Veyo 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 May 3, 2018.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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