

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1904-NGOV-54-L

RE: APPLICATION OF OPTIMUM TRANSPORT, LLC TO OPERATE ONE
(1) MOTOR VEHICLE IN GENERAL LIVERY SERVICE, WITH A
SEATING CAPACITY OF LESS THAN ELEVEN PASSENGERS,
FROM A HEADQUARTERS IN NORWALK.

DECISION

AUGUST 8, 2019

I. INTRODUCTION

A. APPLICATION

By application filed on April 4,, 2019, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Optimum Transport, LLC (hereinafter "applicant") with a mailing address of 304 Main Avenue, #292, Norwalk, Connecticut 06851 seeks authorization to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Norwalk.

The applicant originally filed for general livery then subsequently filed for governmental livery to perform work exclusively for Veyo. After hearing the evidence at the governmental livery hearing, the applicant was advised to revive its general livery application because it was unlikely that Veyo would be able to use the applicant as Veyo only needed bariatric wheelchair vans and the applicant was uncertain if her proposed vehicle would be in compliance. As it turns out, the applicant's vehicle was not bariatric compliant.

B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on July 11, 2019 and August 6, 2019.

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

Sharon Smith appeared pro se on behalf of the applicant. The applicant's mailing address is 304 Main Avenue, #292, Norwalk, Connecticut 06851.

II. FINDINGS OF FACT

1. The applicant seeks to operate one (1) motor vehicle in general livery service from a headquarters in Norwalk.

2. Sharon Smith has worked for a livery company as its office manager for the past three years. Ms. Smith also has a BS in business.

3. The applicant will operate a 2016 Dodge Caravan SXT Mobility Van which will be financed.
4. The applicant has \$7,560 in a bank account for the business.
5. The applicant's first six months of expenses includes insurance of \$3,816, maintenance of \$480, property tax of \$230 and financing of \$2,732.
6. The applicant will work for the Center for Transitional Living, which will provide the applicant with 40 to 50 trips per week.
7. There are several brokers who want to utilize the applicant's livery service including Access to Care, MTM and Roadtrips.
8. Norwalk Hospital is interested in using the applicant for patient discharge trips.
9. 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.

Regarding the applicant's suitability, the applicant submitted a criminal record check for Sharon Smith, which showed no criminal record. Ms. Smith has worked for several years for a livery company as an office manager and has a public service license. Based on the evidence presented, the applicant has the necessary suitability to be granted livery authorization.

As far as the applicant's financial ability is concerned the applicant presented evidence that the first six months of expenses includes insurance of \$3,816, maintenance of \$480, property tax of \$230 and financing of \$2,732 for a total expense of \$7,258. The applicant has \$7,560 in the

bank, which is sufficient to cover these initial costs. The applicant is financially suitable.

On the issue of public convenience and necessity, the applicant presented evidence that several brokers want to refer business to her. She also will work with CTS to provide patient transport. In addition, she also has contacts at the Norwalk Hospital to perform patient discharge trips. Based on the evidence presented the applicant has proven public convenience and necessity

IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application of Optimum Transport, LLC is hereby granted and Livery Permit Number 3671 is hereby issued as follows:

LIVERY PERMIT NUMBER 3671

Optimum Transport, LLC is hereby permitted to operate one (1) motor vehicle, having a seating capacity of less than eleven passengers, in general livery service from a headquarters in Norwalk.

RESTRICTIONS:

The applicant must register and insure the one (1) vehicle granted in this permit within ninety (90) days. Failure to do so may result in revocation of the authority.

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 the 8th day of August 2019.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida
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Bureau of Finance and Administration