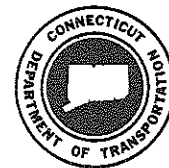




STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 0911-N-87-L

RE: APPLICATION OF MARIE M. CAMAN D.B.A. MC EXPRESS TO OPERATE TWO (2) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NORWALK.

FINAL DECISION

May 20, 2010

## I. INTRODUCTION

### A. General

By application filed on December 2, 2009 with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Marie M. Caman d.b.a. MC Express (hereinafter "applicant"), with a mailing address of 17 Hadik Parkway, Norwalk, Connecticut, seeks authorization to operate two (2) motor vehicles, having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in the town of Norwalk.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was held on April 22, 2010.

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. 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

Ms. Marie Caman appeared on behalf of the applicant. The applicant's mailing address is 17 Hadik Parkway, Norwalk, Connecticut 06854.

Mr. Charles Wisniewski appeared on behalf of Teddy's Transportation System, Inc. which was granted intervenor status. His mailing address is 18 Rowan Street, Norwalk, Connecticut 06855.

Sheldon Lubin, a member of Department staff, was present at the hearing.

## II. FINDINGS OF FACT

1. The company has been in business since 2001 when it started in interstate livery service.
2. The applicant seeks to expand her livery business to include intrastate service.
3. The applicant owns outright a 2000 Lincoln Town Car with a fair market value of \$5,800 which she will use in the livery business.
4. The insurance for the vehicle will cost \$4,022 annually.
5. The applicant has \$2,342 in a bank account as of April 14, 2010.

6. The applicant has equity in her home of \$84,000 but the mortgage is in arrears.
7. The applicant has clients who prefer to use a woman to transport themselves or their children on different livery trips.
8. The applicant is seeking to provide transportation to her existing clients and not to perform weddings, proms or funeral work.
9. The applicant currently works nights driving at the Westchester Airport.
10. In the past few weeks the applicant has received five requests for intrastate livery service.
11. Teddy's Transportation has authority to operate thirty-three (33) motor vehicles from a headquarters in Norwalk.
12. Ms. Jeanette Jeanpierre is a social worker who wants to be able to refer her clients to the applicant but has been unable to send the applicant intrastate livery transportation legally.
13. Mr. Dean Toribio is a customer of the applicant. He may move to Connecticut and would like to utilize the applicant's livery service. He has used the applicant's service in the past and has found it to be reliable and safe.

### 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.

In support of financial wherewithal, the applicant provided financial information that shows that she owns outright a 2000 Lincoln Town Car with a fair market value of \$5,800 which she uses in her livery business. The insurance for the vehicle will cost \$4,022 annually. The applicant has \$2,342 in a bank account as of April 14, 2010. The applicant has equity in her home of \$84,000 but the mortgage is currently in arrears. Based on the fact that the applicant is currently operating in interstate livery and already has the vehicle she will use in this endeavor and does not have to expend additional sums, the applicant is financially suitable to operate one (1) vehicle.

With regard to suitability, Ms. Caman submitted a criminal record check which reflects no criminal convictions. The company has been in business since 2001 when it started with interstate livery service. The company has not been the subject of any citation hearings since its inception. However, it is disturbing that the applicant has performed occasional illegal livery trips for her clients. Because the applicant has been candid about these trips and is seeking to perform her livery service within the confines of the law, these illegal trips will not be held against her. Based on the evidence presented, the applicant is suitable to operate the proposed livery service.

As part of the requirements that must be met for a livery permit to be granted, the applicant must show that public convenience would be improved by the service. To show the need for the service, the applicant presented two witnesses who are clients or who have referred clients. The applicant clearly has loyal customers who wish her to operate in intrastate livery service. The applicant has been in the livery business since 2001 with only an interstate livery authority so it has been very difficult for her to expand her business or operate efficiently to serve her clients needs.

The applicant testified that some women and children prefer to have a female driver. There is something to be said for the fact that being a woman may work to her advantage with some of her customers. This may give her a niche which she can utilize to grow her business. Mr. Wisniewski from Teddy's Transportation never testified about whether his company had any female drivers.

Mr. Wisniewski opposed the applicant on the grounds that it would be unfair competition to his company to grant the applicant authority. It is difficult to see how Ms. Caman and her one car will have any impact on his company with thirty-three (33) livery vehicles. Regardless, it is the public need that dictates whether an operator receives additional authority not the need of a current livery operator.

#### IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Marie M. Caman d.b.a. MC Express is hereby granted in part and Livery Permit Number 2855 is reissued as follows:

#### LIVERY PERMIT NO. 2855 FOR THE OPERATION OF LIVERY SERVICE

Marie M. Caman d.b.a MC Express is hereby permitted and authorized to operate one (1) motor vehicle, having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in Norwalk.

Marie M. Caman d.b.a. MC Express is hereby permitted and authorized to operate motor vehicles for the transportation of passengers in special and charter operations in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate Number MC-403883.

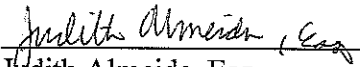
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates there under for not less than twenty-four (24) months.

This permit shall remain in effect until 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 the rules, regulations and orders of the Department may from time to time prescribe thereunder.

A memorandum of this permit, bearing the seal of the Department, shall be kept conspicuously posted in the motor vehicles operated under this permit.

Dated at Newington, Connecticut on this 20th day of May 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

  
\_\_\_\_\_  
Judith Almeida, Esq.  
Staff Attorney III  
Administrative Law Unit  
Bureau of Finance and Administration