

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1009-NGOV-84-L

RE: APPLICATION OF SUBURBAN LIVERY SERVICE, LLC. TO OPERATE TWO (2) MOTOR VEHICLES, HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN 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 FARMINGTON.

CORRECTED FINAL DECISION

May 6, 2011

I. INTRODUCTION

A. Application

By application filed on September 29, 2010, with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Suburban Livery Service, LLC. (hereinafter "applicant") located at 24 Chatham Lane, South Windsor, Connecticut seeks authorization to operate two (2) motor vehicles, having a seating capacity of ten (10) adults or less, in 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 the town of Farmington.

B. Hearing

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on March 17 and April 15, 2011.

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(a)(1), as amended. Notice to the public was given by publication on the Department's website. Pursuant to Connecticut General Statutes Section 13b-17, the commissioner assigned a hearing officer to conduct the hearing on this matter.

C. Appearances

Mr. Abdul Majid appeared on behalf of the applicant. The applicant was represented by Alan Berman, Esq. with a mailing address of 111 Roberts Street, Suite G-1, East Hartford, Connecticut 06108.

D. Corrected Final Decision

The applicant has notified the department that the last decision issued in this matter was incorrectly issued. Upon a review of the applicant's decisions, the department has discovered multiple errors and omissions in the decisions issued to the applicant. This decision will correct livery permit 2780.

E. Findings of Fact

1. The applicant seeks to operate two (2) livery vehicles under contract with Coordinated Transportation Solutions (hereinafter CTS), from a headquarters in Farmington.

2. CTS has recently been awarded a contract with the Department of Social Services to provide transportation services for the Medicaid Low Income Adult population. CTS estimates that it will receive approximately 8,000 new livery trips and several hundred wheelchair trips per month due to this contract.

3. Mickey McIver, Provider Relations Field Manager with Coordinated Transportation Solution testified that his company has the need for two (2) vehicles to transport people in the low income adult program.

4. The applicant currently rejects twenty-five to thirty trips per day that it receives from the transportation broker.

5. The applicant submitted an executed contract with CTS.

6. Maintenance and repairs for the two vehicles requested is about \$268 a month.

7. The expected annual revenues generated from the two vehicles is about \$132,600.

8. The annual fuel estimate for the two vehicles is \$19,760.

9. The fair market value for the two vehicles is \$12,170.

10. The cost to insure the vehicles is approximately \$2,717.

11. The applicant has cash of \$29,098 as of March 16, 2011.

12. The applicant has total assets of \$190,985.

13. 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 there under, in accordance with Connecticut General Statutes Section 13b-103.

To show financial ability, the applicant submitted several documents. The maintenance and repairs for the two vehicles requested is about \$268 a month. The expected annual revenues generated from the two vehicles is about \$132,600. The annual fuel estimate for the two vehicles is \$19,760. The fair market value for the two vehicles is \$12,170. The cost to insure the vehicles is approximately \$2,717. The applicant has cash of \$29,098 as of March 16, 2011. The applicant has total assets of \$190,985. Based on the evidence presented, the applicant has shown the requisite financial ability to operate the proposed service.

In support of suitability to operate the proposed service the applicant submitted an updated criminal record check for Mr. Majid which showed no convictions. The applicant has experience in operating a livery service and performs livery service under contract at the present time. The applicant has shown the necessary suitability to handle the proposed operation.

Lastly, the applicant must prove that the public's convenience and necessity will be improved by the proposed service. The applicant presented the testimony of Mickey McIver from Coordinated Transportation Solutions. Mr. McIver testified that due to a new contract his company has with the State of Connecticut for the low income adult program, his company needs an additional two (2) vehicles to service the contract. Therefore, based on the testimony and documentary evidence submitted, the applicant has proven that it should be granted two (2) vehicles.

IV. CONCLUSION

Accordingly, Permit Number 2780, standing in the name of Suburban Livery Service, LLC is hereby amended and reissued as follows:

LIVERY PERMIT NO. 2780

Suburban Livery Service, LLC, holder of Livery Permit Number 2780, is permitted and authorized to operate the following:

a) Suburban has the authorization to operate six (6) motor vehicles in general livery service from a headquarters in Farmington.

b) Suburban has the authority to operate three (3) motor vehicles in general livery service from a headquarters in Plainville.

c) Suburban had six (6) motor vehicles in general livery service from a headquarters in Farmington to operate the following:

Two (2) van type vehicles

Four (4) non luxury sedan vehicles

RESTRICTIONS:

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

This permit shall remain in effect until it has been 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 the pertinent rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke this permit.

This permit is transferable only with the approval of the department and is issued subject to compliance by the holder hereof with all motor vehicle laws of the State of Connecticut, and with such rules regulations and orders as this department may from time to time prescribe there under.

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

AUTHORIZATION FOR THE PROVISION OF DURATIONAL TRANSPORTATION OF PASSENGERS FOR HIRE BY VIRTUE OF A CONTRACT WITH, OR A LOWER TIER CONTRACT FOR, ANY FEDERAL, STATE OR MUNICIPAL AGENCY, TO WIT: LOGISTICARE, FIRST TRANSIT AND COORDINATED TRANSPORTATION SOLUTIONS-Granted October 3, 2005

Suburban Livery Service, LLC is hereby permitted and authorized to operate two (2) motor vehicles, having a passenger seating capacity of less than ten (10) adults, for the provision of transportation of passengers for hire by virtue of contracts with Logisticare, Inc., First Transit, Inc. and Coordinated Transportation Solutions, Inc. from a headquarters in Farmington.

RESTRICTIONS:

The authority granted in Docket Number 0504-NGOV-31-L, shall be durational in nature and shall exist only for the period of time that the permit holder has current and continuing contracts in effect for the provision of service with Logisticare, Inc., First Transit, Inc. and Coordinated Transportation Solutions, Inc.

The permit holder shall notify the department of any termination of its contract with Logisticare, Inc., First Transit and Coordinated Transportation Solutions, Inc. or the cessation of the active provision of service there under. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicles authorized in the decision, a current, executed copy of the extension of said contract. Failure to file an extension of the contract, or a new executed contract, with Logisticare, Inc., First transit and Coordinated Transportation Solutions, Inc. on an annual basis shall void the authority for the vehicles authorized pursuant to this contract and shall subject this authority to revocation.

This permit is not transferable and shall remain in effect until it is 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 kept conspicuously posted in the motor vehicles operated under this permit.

DURATIONAL LIVERY SERVICE UNDER CONTRACT WITH LOGISTICARE-Dated December 2, 2005-Granted on October 18, 2006

Suburban Livery Service, LLC. is hereby authorized to operate two (2) motor vehicles, with a passenger seating capacity of ten (10) adults or less, for the provision of livery service under contract with Logisticare, Inc. from a headquarters in Farmington.

RESTRICTIONS:

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The authority granted in Docket Number 0603-GOV-06-L, shall be durational in nature and shall exist only for the period of time that the permit holder has current and continuing contracts in effect for the provision of service with Logisticare, Inc.

The permit holder shall notify the department of any termination of its contract with Logisticare, Inc. or the cessation of the active provision of service there under. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicles authorized in the decision, a current, executed copy of the extension of said contract. Failure to file an extension of the contract, or a new executed contract, with Logisticare, Inc. on an annual basis shall void the authority for the vehicles authorized pursuant to this contract and shall subject this authority to revocation.

This permit is not transferable and shall remain in effect until it is revoked by the department or until the contract under which this authority is granted has expired. Failure of the pertinent 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 kept conspicuously posted in the motor vehicles operated under this permit.

DURATIONAL LIVERY SERVICE UNDER CONTRACT WITH LOGISTICARE
Granted on May 3, 2011

Suburban Livery Service, LLC. is hereby authorized to operate two (2) motor vehicles, with a passenger seating capacity of ten (10) adults or less, for the provision of livery service under contract with Coordinated Transportation Solutions, Inc. from a headquarters in Farmington.

RESTRICTIONS:

The authority granted in Docket Number 1009-NGOV-84-L, shall be durational in nature and shall exist only for the period of time that the permit holder has current and continuing contracts in effect for the provision of service with Coordinated Transportation Solutions, Inc.

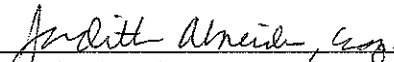
The permit holder shall notify the department of any termination of its contract with Coordinated Transportation Solutions, Inc. or the cessation of the active provision of service there under. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicles authorized in the decision, a current, executed copy of the extension of said contract. Failure to file an extension of the contract, or a new executed contract, with Coordinated Transportation Solutions, Inc. on an annual basis shall void the authority for the vehicles authorized pursuant to this contract and shall subject this authority to revocation.

This permit is not transferable and shall remain in effect until it is revoked by the department or until the contract under which this authority is granted has expired. Failure of the pertinent 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 kept conspicuously posted in the motor vehicles operated under this permit.

Dated at Newington, Connecticut, this 6th day of May 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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