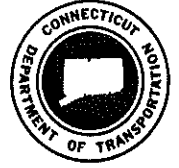


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1910-AV-109-L

RE: APPLICATION OF NEW HORIZONS, INC. DBA SUNSHINE WHEELS TO OPERATE FIVE (5) ADDITIONAL MOTOR VEHICLES, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN FARMINGTON.

DECISION

OCTOBER 28, 2019

I. INTRODUCTION

A. General

By application filed on October 1, 2019, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, New Horizons, Inc. dba Sunshine Wheels (hereinafter "applicant") with a mailing address of 37 Bliss Memorial Road, Unionville, Connecticut 06085 seeks authorization to operate five (5) additional 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 Farmington.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on October 24, 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 the Connecticut General Statutes Section 13b-103. 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

The CEO of New Horizons, Inc., Carol Fitzgerald, appeared pro se at the hearing. The applicant's mailing address is 37 Bliss Memorial Road, Unionville, Connecticut 06085.

D. Evidence

Evidence submitted in a hearing held on October 1, 2019 in Docket Number 1906-N-80-L for this applicant, New Horizons, Inc. dba Sunshine Wheels, was incorporated into this hearing.

II. FINDING OF FACTS

1. The applicant seeks to operate five (5) additional motor vehicles in intrastate livery service from a headquarters in Farmington.
2. The applicant is a 501c nonprofit. The applicant operates living facilities called New Horizons Village and Cherry Brook and is transporting their own clients. The applicant also has contact with other facilities that wish to use the applicant to transport their clients.
3. The applicant's assets include cash of \$439,706 in a bank account.

4. The applicant's first six month costs includes insurance of \$4,522, vehicle costs of \$110,891, maintenance and repairs of \$1,650 and communication costs of \$300.

5. Anthony Freeman, Provider Operations Coordinator, from Veyo testified. Veyo needs wheelchair accessible vehicles in the Farmington, Hartford and Bristol area.

6. The applicant will operate the following five vehicles if this application is granted: 2016 Ford Transit Van, 2018 Ford Transit Van, two (2) 2019 StartRans mini buses and a 2017 Toyota Camry sedan.

7. The applicant has over thirty (30) years of experience transporting disabled persons.

8. The applicant has in house drivers with public service licenses.

9. The applicant wishes to expand its transportation service to private pay clients.

10. The three applicant officers do not have a criminal record.

11. The Town of Farmington plans to utilize the applicant's service to cover supplemental trips, which are not being done by the town.

12. No opposition was presented to a grant of this application.

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 presented evidence that its first six months of expenses includes insurance of \$4,522, vehicle costs of \$110,891, maintenance and repairs of \$1,650 and communication costs of \$300. The applicant has cash of \$439,706 its bank account, which is sufficient to cover these costs. Based on the evidence presented, the applicant has proven its financial suitability to operate the requested vehicles.

With regard to suitability, the applicant provided the department with the requisite

criminal conviction history forms for the three officers of the corporation which show no convictions. The applicant has been providing transportation for their disabled clients for thirty (30) years. Based on the evidence presented, the applicant is suitable to be granted the additional livery authority.

The applicant is also required to prove that public convenience and necessity would be improved by a grant of this application. In that regard, the applicant presented evidence of need from Anthony Freeman of Veyo. Veyo needs wheelchair transportation in Bristol and the Hartford area. The applicant also has many contracts with other facilities who want to use their livery transportation. Based on the evidence presented, the applicant has proven public convenience and necessity.

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of New Horizons, Inc. dba Sunshine Wheels is hereby granted and Livery Permit Number 3677 is hereby amended and is reissued as follows:

LIVERY PERMIT NO. 3677
FOR THE OPERATION OF LIVERY SERVICE

New Horizons, Inc. dba Sunshine Wheels is hereby permitted and authorized to operate six (6) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Farmington to all points in Connecticut.

RESTRICTIONS:

The applicant must register the five (5) vehicles granted under this decision by February 28, 2020. Failure to register any of the five (5) additional vehicles by February 28, 2020 will result in revocation of the authority for any vehicle not registered. The applicant must notify the hearing officer when it has successfully registered all five (5) of its vehicles.

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 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 may result in a citation action against the permit holder.

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 28th day of October 2019.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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