



File
STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0712-N-200-L

RE: APPLICATION OF WAY BEST TRANSPORTATION, LLC TO OPERATE ONE (1) MOTOR VEHICLE HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS, FOR THE EXPRESS PURPOSE OF PROVIDING REASONABLE LIVERY SERVICE TO HANDICAPPED AND ELDERLY PERSONS, BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN EAST HARTFORD, CONNECTICUT.

FINAL DECISION

July 29, 2008

I. INTRODUCTION

A. Application

By application filed with the Department of Transportation (hereinafter "department") on December 27, 2007, pursuant to Section 13b-105 of the Connecticut General Statutes, as amended, Way Best Transportation, LLC (hereinafter "applicant") located at 60 Ranney Street, East Hartford, Connecticut seeks authorization to operate one (1) motor vehicle, having a seating capacity of ten (10) adults or less, for the express purpose of providing reasonable livery service for handicapped and elderly persons between all points in Connecticut from a headquarters in East Hartford, Connecticut.

B. Hearing

Pursuant to Connecticut General Statutes, Section 4-177, as amended, a public hearing on this application was held on July 15, 2008.

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 General Statutes Section 4-177, as amended. Legal notice to the public was given by publication in the Hartford Courant, a newspaper having a circulation in the area of concern.

A hearing officer designated by the Commissioner, pursuant to Connecticut General Statutes Section 13b-17 conducted the hearing on this matter.

C. Appearances

The applicant appeared through its member, Kiril Nikolov and was represented by Alan Berman, Esquire, 11 Roberts Street, Suite G-1, East Hartford, Connecticut.

No opposition was presented to the application.

II. FINDINGS OF FACT

1. The applicant seeks authority to operate one vehicle in livery service for the express purpose of providing reasonable transportation to handicapped and elderly persons from a headquarters in East Hartford.

2. Kiril Nikolov is a member of the applicant company, who has approximately twelve years of experience driving livery services for two companies.

3. Nikolov would like to provide transportation services to elderly persons and handicapped persons because he is aware of people who require such service.

4. Nikolov's criminal conviction history form, dated December 2007, shows no history of criminal activity, nor has Nikolov been involved in criminal activity since that date.

5. Nikolov has a cash balance of \$10,000, which will be used in the business should the permit be issued.

6. The applicant's insurance quote for \$1,500,000 in liability coverage is estimated at \$4,050 per vehicle.

7. The applicant estimates its property taxes at approximately \$90 annually per vehicle and repairs and maintenance are estimated at a cost of approximately \$1,200 per vehicle, per week.

8. The applicant currently owns the vehicle that would be placed into service. The applicant will replace this vehicle shortly after its business begins, if approved, and the estimated cost for another such vehicle is approximately \$4070.

9. Richard Carpenteri, a resident of Manchester, is legally blind. He cannot afford a taxicab for long trips. His family lives out of town and it is cost prohibitive to take taxicabs to visit. He would use the applicant's service if approved.

10. Roberto Colon lives in Hartford and works six days a week in Newington. He does drive. He cannot read and therefore relies on a co-worker for a ride four days a week. The other two days, he takes a taxicab to work. Colon would use the applicant if the applicant had a livery permit. The cost of paying the applicant's tariff is less expensive for Colon.

11. There is no existing livery service with a headquarters in East Hartford that provide livery service for the express purpose of providing reasonable transportation for elderly persons or handicapped persons.

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 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 General Statutes Section 13b-103.

In addition, Connecticut General Statutes Section 13b-105 allows the department to issue authority to applicants for the express purpose of providing reasonable livery service to handicapped persons and elderly persons on regular or irregular routes where the department finds that no existing service or that the existing service is not adequate to properly serve the special needs of the elderly persons and handicapped persons. Moreover, in determining the special needs of the handicapped and elderly the department may take into consideration the convenience and the physical and mental frailties of elderly and handicapped persons.

In support of financial wherewithal, the applicant filed with the department proof of funds in the amount of \$10,025, held in the company owner's name, Kiril Nikolov. The applicant's fuel estimate for the year is approximately \$5,000 and vehicle repairs and maintenance are expected to be approximately \$1,200 for the year. Nikolov owns a 1995 Mercury Grand Marquis, which is in good working order. The vehicle has a fair market value of \$4,070. The applicant provided estimated insurance coverage for the vehicle it is intending to use in the business, which are approximately \$4,050. The applicant possesses the financial wherewithal to operate the proposed livery service.

In support of suitability to operate the proposed service, the applicant provided a criminal conviction history which showed that the owner of the business, who will be the company's driver, has no criminal record, nor does he have a negative driving history. No evidence was entered into evidence that contradicted the management's suitability or ability to operate within the confines of the statutes. Further, Nikolov has extensive experience as a driver for limousine services from working with two livery services over several years. Nikolov's wife will assist with the business and take the reservations. The evidence, therefore, supports suitability of this applicant's management.

Lastly, in support of the issue of public convenience and necessity, several witnesses testified that they were in support of the applicant's proposed business and that they would use the services themselves. In particular, Roberto Colon testified that it would be more cost effective for him to take the applicant's service to work two days a week because he has no ride than take a taxicab, which he does on a weekly basis. Moreover, no evidence was presented on the record showing that there is another livery service expressly providing reasonable livery service to handicapped and elderly persons within the town of East Hartford.

IV. CONCLUSION OF LAW

In conclusion, the evidence supports a grant of authority for the express purpose of providing reasonable livery service to handicapped persons and elderly persons on regular or irregular routes. There is no such existing service in the headquarters town and also for this reason the application is granted, in accordance with Connecticut General Statutes Section 13b-105.

V. ORDER

Based upon the above and pursuant to Connecticut General Statutes 13b-105, as amended, the application of Way Best Transportation, LLC is hereby granted and Permit Number 3220 is hereby issued in the name of Way Best Transportation, LLC, as follows:

LIVERY PERMIT NO. 3220
FOR THE EXPRESS PURPOSE OF PROVIDING
REASONABLE LIVERY SERVICE FOR HANDICAPPED AND ELDERLY PERSONS

Way Best Transportation, LLC, is hereby permitted and authorized to operate ONE (1) motor vehicle, having a seating capacity of less than ten (10) adults, for the express purpose of providing reasonable livery service for handicapped and elderly persons, between all points in Connecticut from a headquarters in East Hartford, Connecticut.

This Permit may not be sold or transferred until it has been operational, i.e., a vehicle registered with the livery plates thereunder, for not less than twenty-four (24) consecutive 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 the 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.

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 29th day July 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laifa A. Mandour
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration