



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1007-NGOV-62-L

RE: APPLICATION OF CW RESOURCES, INC. TO OPERATE EIGHT (8) 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 NEW BRITAIN, CONNECTICUT.

FINAL DECISION

AUGUST 27, 2010

I. INTRODUCTION

A. Application

By application filed on July 19, 2010 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103(a)(3) of the Connecticut General Statutes, as amended, CW Resources, Inc. (hereinafter "applicant") located at 200 Myrtle Street, New Britain, Connecticut seeks authorization to operate eight (8) 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 New Britain.

B. Hearing

Pursuant to Connecticut General Statutes Section 13b-103(a)(1), as amended, a public hearing on this application was held on August 19 and 26, 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 General Statutes Section 13b-103(a)(1), as amended. Notice to the public was given by publication on the department's website at www.ct.gov.

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

C. Appearances

Garrison Waltman, transportation manager, appeared on behalf of CW Resources, Inc. CW Resources, Inc.'s mailing address is 200 Myrtle Street, New Britain, Connecticut.

CW Resources, Inc. was represented by Alan H. Berman, Esq. whose address is 111 Roberts Street, Suite G-1, East Hartford, Connecticut.

Sheldon Lubin, utilities examiner for the Regulatory and Compliance Unit, was present.

No opposition to the application was presented at the hearing.

II. FINDINGS OF FACT

1. CW Resources, Inc. provides services, such as staff supervision and job training at its facility and within the community to approximately 450 individuals with disabilities throughout the State. Much of its work is for the Department of Developmental Services (hereinafter "DDS").

2. CW Resources, Inc. provides transportation to its clients. It also currently provides transportation services under contract for Logisicare.
3. CW Resources, Inc. was notified by DDS that its current transportation provider, the Waterbury Transit District (funded by the Department of Transportation), was terminating transportation services on August 31, 2010 for its clients due to the prohibitive costs.
4. There are approximately 35 currently identified clients who will require immediate transportation services as of September 1, 2010. If those services are not provided, the affected clients will be unable to attend their work or programs.
5. The clients requiring this transportation are from the West Region of the State, which includes Waterbury, Wolcott, and Naugatuck.
6. CW Resources, Inc. entered into a contract with the Department of Developmental Services to provide the required transportation.
7. CW Resources, Inc. has extensive experience in providing transportation as it has been doing so for many years and currently, it drives approximately 245 people (approximately 3000 miles per day) to and from different facilities. The applicant also provides approximately 130 rides per week for Logisicare.
8. The applicant has intensive training for its drivers and its drivers undergo background and criminal history checks, and are provided with training prior to driving.
9. The directors of the company have no criminal convictions.
10. The applicant will operate eight (8) motor vehicles to provide said livery services to its clients, including minivans, a full van and a wheelchair van. The eight vehicles will be staged and used for different locations within the West Region of the Department of Developmental Services' service area, which is comprised of several towns.
11. The vehicle values range from \$11,695 to \$34,995.
12. The applicant holds a 1,000,000 insurance policy and maintains an umbrella insurance policy with coverage of \$20,000,000. The livery insurance cost per vehicle is broken down to be approximately \$4,500 per vehicle – the cost is charged on a flat rate.
13. The applicant's financial statement for July 1, 2010 shows the average bank account balance is \$2,496,016. The applicant's total assets are \$10,918,637 and total liabilities are \$3,504,210.
14. The start up costs for the proposed service will be approximately \$145,601.

III. DISCUSSION

Shannon O'Brien, assistant regional director for the Department of Developmental Services for the West Region, testified that the current transportation being provided by the Waterbury Transit District, funded by the Department of Transportation, was terminating its services due to the prohibitive cost of operation. This cessation in service will be detrimental to those individuals with disabilities as they will be unable to access programs that are vital to their lives. Accordingly, there is a dire need for the services that the applicant seeks to provide for the DDS.

IV. CONCLUSIONS OF LAW

There is substantial evidence in the record supporting a grant of authority in accordance with Connecticut General Statutes Section 13b-103(a)(3) for eight vehicles in livery service under contract with the Department of Developmental Service. The applicant possesses the financial suitability to operate the proposed service; its management possesses the wherewithal to operate within the rules and regulations governing livery service within the State of Connecticut and lastly, the evidence shows that the public convenience and necessity will be improved by a grant of the authority.

V. ORDER

Based on the foregoing and pursuant to Connecticut General Statutes Section 13b-103(a)(3), the application of CW Resources, Inc. is hereby approved and Permit No. 3242, standing in the name of CW Resources, Inc. is hereby amended and re-issued as follows:

LIVERY PERMIT NO. 3242

CW Resources, Inc. is hereby permitted and authorized to operate FOUR (4) motor vehicles, each having a seating capacity of ten (10) adults or less, for the express purpose of providing reasonable livery service to handicapped persons and elderly persons on regular or irregular routes, between all points in Connecticut from a headquarters in New Britain.

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 comply with all pertinent motor vehicle laws and other State statutes, regulations, rules 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 regulations, rules and orders as the 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.

DURATIONAL LIVERY SERVICE

FOR THE PROVISION OF DURATIONAL TRANSPORTATION OF PASSENGERS FOR HIRE BY VIRTUE OF A CONTRACT WITH STATE OF CONNECTICUT DEPARTMENT OF DEVELOPMENTAL SERVICES

GRANTED IN DOCKET NO. 1007-NGOV-62-L – ON AUGUST 27, 2010

CW Resources, Inc. is hereby permitted and authorized to operate EIGHT (8) motor vehicles, with a seating capacity of ten (10) adults or less, in livery service under contract with the State of Connecticut Department of Developmental Services from a headquarters in New Britain, Connecticut.

CONDITION PRECEDENT TO REGISTRATION:

CW Resources, Inc. shall provide proof of a bank account in the name of CW Resources, Inc. prior to registration of any vehicles.

RESTRICTIONS:

The authorization granted in Docket Number 1007-NGOV-62-L shall be durational in nature and shall exist only for the period that the permit holder has a current and continuing contract in effect for the provision of service with the Department of Developmental Services.

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

This permit is not transferable and shall remain in effect until 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 comply with all pertinent motor vehicle laws and other State statutes, rules, regulations and orders of the Department shall be considered sufficient cause to amend, suspend or revoke said permit.

A memorandum of this permit shall be kept conspicuously posted in each motor vehicle operated under the permit.

Dated at Newington, Connecticut, this 27th day of August 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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