



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 2301-N-4-L

RE: APPLICATION OF COMPASSION N CARE TRANSIT COMPANY,
LLC TO OPERATE ONE (1) MOTOR VEHICLE IN GENERAL LIVERY
SERVICE, WITH A SEATING CAPACITY OF LESS THAN ELEVEN
PASSENGERS, FROM A HEADQUARTERS IN PROSPECT

DECISION

MARCH 7, 2023

I. INTRODUCTION

A. APPLICATION

By application filed on January 10, 2023, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Compassion N Care Transit Company, LLC (hereinafter "applicant") with a mailing address of 50 Waterbury Road, Suite 2B, Prospect, Connecticut 06712 seeks authorization to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) passengers, in general livery service from a headquarters in Prospect.

B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing by telephone was held on this application on March 1, 2023.

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, as amended. 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

Joseph Bray appeared pro se on behalf of the applicant. The applicant's mailing address is 50 Waterbury Road, Suite 2B, Prospect, Connecticut 06712.

II. FINDINGS OF FACT

1. The applicant seeks to operate one (1) motor vehicle in general livery service from a headquarters in Prospect.
2. The applicant proposes to operate a 2009 Mazda CX-9. This vehicle is not financed, and the insurance has been paid for the year.
3. Mr. Bray has been operating a home health care business since 2009.
4. The applicant's focus will be on providing transportation to his home health care clients as well as to facilities and agencies.

5. The applicant's first six months of expenses includes property tax costs of \$49, maintenance costs of \$1,785 and communication costs of \$300.

6. The applicant has \$21,266 in a business bank account.

7. The applicant has home health workers with livery endorsements who will be driving the vehicles.

8. The applicant will specialize in transportation for the elderly and disabled.

9. Two out of every five of the applicant's home health clients miss medical appointments due to a lack of transportation.

10. At times the applicant's employees must transport their clients who are stranded by other providers. Some of his clients are refusing to use the state provided livery transportation because it is not reliable.

11. The applicant will also be networking with Advanced Behavior Health and various facilities to get livery clients.

12. 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 thereunder, in accordance with Connecticut General Statutes Section 13b-103.

Regarding the applicant's suitability, the applicant submitted a criminal record check for Mr. Bray that disclosed no criminal record. The applicant has operated a home health care business since 2009. He would like to expand into providing livery transportation to his clients and

other individuals. Based on the evidence presented, the applicant is suitable to conduct the proposed intrastate livery business.

As far as the applicant's financial ability is concerned, the applicant presented evidence that the first six months of expenses includes property tax costs of \$49, maintenance costs of \$1,785 and communication costs of \$300 for a total expense of \$2,134. The applicant has \$21,266 in a bank account to cover these startup expenses and is financially suitable.

On the issue of public convenience and necessity, the applicant is seeking to provide transportation to his home care clients and other seniors in nursing homes and assisted living facilities. He also will be networking with agencies and Advanced Behavior Health. Based on the evidence presented, the applicant has shown that public convenience and necessity will be improved by a grant of this application.

IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application in the name of Compassion N Care Transit Company, LLC is hereby granted, and Livery Permit Number 3773 is hereby issued as follows:

LIVERY PERMIT NUMBER 3773

Compassion N Care Transit Company, LLC is authorized to operate one (1) motor vehicle in general livery service, with a seating capacity of less than eleven passengers, from a headquarters in Prospect.

RESTRICTIONS:

The applicant must register and insure the one (1) general livery vehicle granted in this decision within ninety (90) days. Failure to do so may result in revocation of the general livery authority.

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/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 conspicuously posted in each motor vehicle operated under this permit.

Dated at Newington, Connecticut on the 7th day of March 2023.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida
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Administrative Law Unit
Bureau of Finance and Administration