

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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Phone:

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DOCKET NUMBER 1008-N-79-L

RE: APPLICATION OF CONNECTICUT TRANSPORTATION SOLUTIONS, LLC TO OPERATE TEN (10) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS, FOR LIVERY SERVICE FOR HANDICAPPED AND ELDERLY PERSONS, BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NAUGATUCK.

FINAL DECISION

February 24, 2011

## I. INTRODUCTION

### A. General

By application filed on August 31, 2010 with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-105 of the Connecticut General Statutes, as amended, Coordinated Transportation Solutions, LLC (hereinafter "applicant"), with a mailing address of 21 Maple Street, Naugatuck, Connecticut, seeks authorization to operate ten (10) motor vehicles, having a seating capacity of ten (10) adults or less, in livery service to transport the elderly and handicapped between all points in Connecticut from a headquarters in the town of Naugatuck.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-105, as amended, a public hearing on this application was held on January 6, 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 the Connecticut General Statutes Section 13b-103. Notice to the public was given by publication on the Departments 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 applicant appeared pro se through its member Chet Doheny. The applicant was represented by Cesar Sousa, Esq. Attorney Sousa's mailing address is 203 Church Avenue, Naugatuck, Connecticut 06770.

Ray Manzelli appeared on behalf of Managed Transportation Services, Inc. which was granted intervenor status in this hearing. The mailing address for Managed Transportation Services is P.O. Box 866, Plainville, Connecticut 06062.

Sheldon Lubin, a member of Department staff, was present at the hearing.

## II. FINDINGS OF FACT

1. The applicant is engaged in transporting special needs students to and from school, all over the State of Connecticut for the past seven years.
2. The applicant now seeks to transport behaviorally challenged adults by receiving authorization to transport the elderly and handicapped.
3. The applicant's drivers have received specialized training to provide such transportation.
4. The applicant has a handicapped van available for such transportation.

5. The applicant has requested authority to operate ten vehicles due to the convenience of using all its fleet for whatever transportation is needed.
6. The witness testimony presented by the applicant quantifies the need for the transportation requests from the elderly and handicapped to one (1) vehicle.
7. Managed Transportation Services has authority to operate twelve (12) general livery vehicles from a headquarters in Waterbury.
8. Managed Transportation Services does not operate a wheelchair accessible vehicle.
9. The applicant has total assets of \$275,272, expenses of \$259,133 and net income of \$38,949.
10. Twenty-four percent of the accounts receivable are 31-60 days old, while the rest are current.
11. As of December 21, 2010, the applicant's checking account had a balance of \$25,318.
12. The applicant has a monthly loan payment of \$4,783.
13. The insurance premium for twelve vehicles is \$1,732 on average for each vehicle.
14. The applicant has a \$10,000 line of credit.
15. The applicant's annual expenses are fuel \$6,500, repairs and maintenance \$1000 and property taxes of \$600.

### 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 their suitability 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 provided information that it has total assets of \$275,272, expenses of \$259,133 and a net income of \$38,949. Twenty-four percent of the

accounts receivable are 31-60 days old, while the rest are current. As of December 21, 2010, the checking account had a balance of \$25,318. The applicant has a monthly loan payment of \$4,783. The insurance premium for twelve vehicles is \$1,732 on average for each vehicle. The applicant has a \$10,000 line of credit. The applicant's annual expenses are fuel \$6,500, repairs and maintenance \$1000 and property tax of \$600. Therefore, based on the evidence presented the applicant is financially suitable to operate the proposed business.

With regard to suitability, the applicant provided the requisite criminal conviction history form for Chet Doheny which reflects no criminal convictions. The applicant has a lot of experience operating a transportation company and has serviced the disabled community. There was no negative evidence presented concerning the applicant's suitability. Based on the evidence presented, the applicant has proven the requisite suitability to operate the proposed service for the elderly and handicapped.

As part of the requirements that must be met for a livery permit to be granted, the applicant must show that public convenience and necessity would be improved by the service. The applicant presented witnesses who spoke about the need for a wheelchair accessible vehicle to service the disabled population. However, the applicant's own witnesses admitted that they do not have enough work to fill all ten of the vehicles requested but rather one (1) vehicle full time. The Department does not grant authority based on the convenience of the applicant but rather on the actual public need and necessity for the service requested.

Mr. Manzelli appeared on behalf of Managed Transportation Services, Inc. which has general livery authority to operate twelve (12) livery vehicles from a headquarters in Waterbury. While Mr. Manzelli argues that his company can do more livery work and that the applicant should not be granted a permit, the fact remains that his company does not have a wheelchair accessible vehicle to transport disabled adults. The addition of such a vehicle would be an improvement to the disabled population and will allow the applicant the opportunity to begin to build its client base so that it may expand in the future to provide additional livery services to the elderly and handicapped.

#### IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-105, as amended, the application of Coordinated Transportation Solutions, LLC is hereby granted in part and issued as follows:

#### LIVERY PERMIT NO. 3247 FOR THE OPERATION OF LIVERY SERVICE

Coordinated Transportation Solutions, LLC is hereby permitted and authorized to operate **one (1) wheelchair accessible motor vehicle of a van type**, having a seating capacity of ten (10) adults or less, in livery service for the elderly and handicapped between all points in Connecticut from a headquarters in Naugatuck.

#### RESTRICTIONS:

**The motor vehicle registered under this permit shall be a wheelchair accessible van.**

The applicant has thirty (30) days from the date of this decision to register a vehicle under this permit. Failure to register a vehicle within this time frame may subject the applicant to a citation hearing.

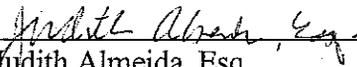
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder for not less than twenty-four (24) months.

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.

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 24th day of February 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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