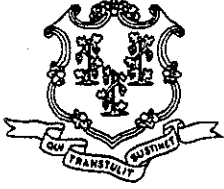


File

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 0602-GOV-01-L

RE: APPLICATION OF AMERICAN CHAIRCAR SERVICES, LLC TO OPERATE FOUR (4) MOTOR VEHICLES, HAVING A SEATING CAPACITY 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 TRUMBULL.

FINAL DECISION

July 24, 2007

I. INTRODUCTION

A. Application

By application filed on December 22, 2005 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, American ChairCar Services, LLC (hereinafter "applicant") located at 12 Cambridge Drive, Suite 205, Trumbull, Connecticut seeks authorization to operate four (4) 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 Trumbull.

On January 30, 2006, the applicant petitioned the department for temporary authority to operate four (4) motor vehicles for the transportation of passengers for hire by virtue of a contract with, or a lower tier contract for, any federal, state, or municipal agency. The temporary authority was granted by the Bureau of Public Transportation on February 2, 2006, pending this administrative hearing to make the four vehicles permanent.

B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a)(3), as amended, a public hearing on this application was held on July 17, 2007.

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(a)(1), as amended. Legal notice to the public was given by publication in the New Haven Register, 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

American ChairCar Services, LLC appeared pro se through Luigi Cammarota. The applicant's mailing address is 12 Cambridge Drive, Trumbull, Connecticut 06611.

Sheldon Lubin, from the Regulatory and Compliance Unit, was present at the hearing.

II. FINDINGS OF FACT

1. The applicant is currently the holder of Livery Permit No. 2728 and is authorized to operate nine vehicles to transport the elderly and handicapped and three vehicles for

transportation under contract with a Logisticare.

2. Since February 2, 2006, the applicant has held temporary authority to operate four motor vehicles for the transportation of passengers for hire by virtue of a contract with Logisticare.

3. Robin Hamilton from Logisticare supports the application because the applicant is providing service to Logisticare's clients in the New Haven and Fairfield county area.

4. The calls from Logisticare to the applicant average from one hundred twenty to one hundred thirty per day.

5. The vehicles that the applicant is requesting to be made permanent are already in use under temporary authority.

6. The applicant has \$26,063 cash in the bank.

7. The applicant's automobile insurance is \$3,537 per vehicle.

8. The applicant experienced a net income of \$53,142 for 2006.

9. The applicant has two business loans outstanding with loan payments totaling \$8,896 per month.

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.

The applicant in this matter is currently operating four vehicles in livery service on a temporary basis. The temporary grant of authority was issued on February 2, 2006. Since that time, the applicant has been using all of its four temporary vehicles to provide service to Logisticare.

To show financial support the applicant submitted a bank balance reflecting \$26,063. The applicant has two outstanding loans and is current with payments of \$8,896 per month. The applicant's auto insurance is \$3,537 per vehicle per year. Since the applicant is operating new vehicles, there is little vehicle maintenance.

In support of suitability to operate the proposed service, the applicant's management provided the requisite criminal conviction history form for Luigi Cammorata, which shows no record. The business has been in operation for several years before receiving authorization for temporary service for four vehicles in February 2006. Since the applicant has been in operation, there have been no citations against the company. Based on the information on record, the applicant possesses the suitability to operate the proposed service.

Lastly, the applicant must prove that the public's convenience and necessity will be improved by the proposed service. Robin Hamilton of Logisticare, the transportation broker for the Department of Social Services, testified that Logisticare refers approximately one hundred twenty to one hundred thirty trips to the applicant per day. Logisticare wants to utilize the applicant because all of the applicant's vehicles are wheelchair accessible and able to accommodate their clientele.

VI. ORDER

Based upon the above and pursuant to Conn. Gen. Stat. Section 13b-103, as amended, the application of American ChairCar Services, LLC to make permanent the four temporary vehicles it was issued for the transportation of passengers for hire by virtue of a contract with, or a lower tier contract for, any federal, state, or municipal agency is hereby granted and said vehicles are hereby made permanent. Accordingly, Permit Number 2728, standing in the name of American ChairCar Services, LLC is hereby amended and reissued as follows:

LIVERY PERMIT NO. 2728

American ChairCar Services, LLC is hereby permitted and authorized to operate nine (9) van-type motor vehicles, each having a seating capacity of less than ten (10) adults for the express purpose of providing reasonable **LIVERY SERVICE TO HANDICAPPED PERSONS AND ELDERLY PERSONS** between all points in Connecticut from a headquarters in Trumbull.

This permit shall remain in effect until revoked by the department. Failure of the permit-holder to maintain proper insurance or to comply with all motor vehicle laws and other pertinent state statutes and/or the rules, regulations and orders of the department shall be considered sufficient cause to revoke said permit.

The authority granted in this decision 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) consecutive months.

This permit may be transferred 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 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.

**DURATIONAL LIVERY SERVICE
UNDER CONTRACT WITH LOGISTICARE, INC.
DOCKET NO. 9904-GOV-27-L- Granted August 25, 1999 (2 vehicle) & 0306-GOV-48-L -
GRANTED November 3, 2003 (1 vehicle)**

American ChairCar Services, LLC is hereby permitted and authorized to operate three (3) motor vehicles, having a seating capacity of less than ten (10) adults, for the provision of transportation for hire by virtue of a contract with Logisticare, Inc. from a headquarters in Trumbull, Connecticut.

The authority granted in Docket No. 9904-Gov-27-L and 0306-GOV-48-L, shall be durational in nature and shall exist only for the period of time that the permit holder has a current and continuing contract in effect for the provision of service with Logisticare.

The permit holder shall notify the department of any termination of its contract with Logisticare or the cessation of the active provision of service thereunder. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicle 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 with Logisticare, shall void the authority for the vehicle authorized 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/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.

**DURATIONAL LIVERY SERVICE
UNDER CONTRACT WITH LOGISTICARE, INC.
DOCKET NO. 0602-GOV-01-L- Granted July 23, 2007**

American ChairCar Services, LLC is hereby permitted and authorized to operate four (4) motor vehicles, having a seating capacity of less than ten (10) adults, for the provision of

transportation for hire by virtue of a contract with Logisticare, Inc. from a headquarters in Trumbull, Connecticut.

The additional authority granted in Docket No. 0602-Gov-01-L, shall be durational in nature and shall exist only for the period of time that the permit holder has a current and continuing contract in effect for the provision of service with Logisticare.

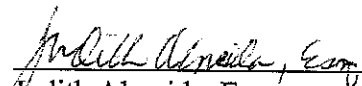
The permit holder shall notify the department of any termination of its contract with Logisticare or the cessation of the active provision of service thereunder. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicle authorized in 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 with Logisticare, shall void the authority for the vehicle authorized 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/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, this 24th day of July 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida, Esq.

Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration