



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



OFFICE OF RESEARCH AND MATERIALS
280 WEST STREET

ROCKY HILL, CONNECTICUT 06067-3502
Phone:

(860) 594-2875

DOCKET NO. 0603-NGOV-03-L

RE: APPLICATION OF CROSSROADS TRANSPORTATION, 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 EAST HADDAM.

FINAL DECISION

April 5, 2007

I. INTRODUCTION

A. Application

By application filed on March 14, 2006 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103(a)(3) of the Connecticut General Statutes, as amended, Crossroads Transportation, LLC (hereinafter "applicant") located at 24 Sanfords Bridge, East Haddam, 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 East Haddam. Crossroads Transportation, LLC is currently the holder of Livery Permit Number 3057, which was granted on November 15, 2005, and is authorized to operate four motor vehicles in the transportation of elderly and handicapped persons.

In addition to the above, on March 14, 2006, the applicant petitioned the department for temporary authority to operate four (4) motor vehicles 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. The temporary authority was granted by the Bureau of Public Transportation on March 28, 2006, pending an administrative hearing to make said vehicles permanent.

The instant hearing, therefore, is a hearing on the request to make permanent the temporary authority granted on March 28, 2006.

B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a)(3), as amended, a public hearing on this application was held on February 15, 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 General Statutes Section 13b-103(a)(1), as amended. Legal notice to the public was given by publication in the Middletown Press, 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

Crossroads Transportation, LLC appeared through Jason Lawrence, the owner of the applicant company and was not represented by counsel. The applicant's mailing address is 24 Sanfords Bridge, East Haddam, Connecticut.

Connecticut Handivan, Inc. holder of livery permit number 2601 petitioned for intervenor status and appeared through its counsel Ann Moore, Esq. of the Law Office of Ann Moore, LLC, 18 Parkland Place, Milford, Connecticut. The petitioner's headquarters town, North Haven, is not contiguous to the applicant's proposed headquarters town of East Haddam and on that basis, the petition was denied. The Connecticut Handivan, Inc. has a mailing address of 208 Quinnipiac Avenue, North Haven, Connecticut.

Sheldon Lubin, utilities examiner, was present at the hearing.

II. FINDINGS OF FACT

1. The applicant is currently the holder of Livery Permit No. 3057 and is authorized to operate four vehicles for the transportation of elderly and handicapped persons and for interstate livery service.
2. The applicant also holds temporary authority to operate four motor vehicles 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.
3. Thomas Avallone is the transportation manager for Logisticare,
4. Logisticare supports the application because it requires the applicant to provide service to Logisticare's clients in the New Haven county area, Saint Raphael's dialysis.
5. Logisticare provides high level and high volume service to Department of Social Services patients.
6. A void was created for Logisticare by another service provider for the area of concern that dropped out of the network.
7. The vehicles that are requested to be made permanent are already in use under temporary authority.
8. In addition to New Haven County, the applicant's vehicles are being also used for Windham, Tolland and New London Counties.
9. The calls from Logisticare to the applicant average from 115 to 130 per day.
10. All four vehicles that are approved on a temporary basis are in use each day.

11. The applicant's management has no criminal conviction history, nor has the applicant been the subject of any citations.

12. The applicant had a cash balance in the amount of \$40,473 as of January 31, 2007.

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 March 28, 2006. Since that time, the applicant has been using all of its four temporary vehicles to provide service to Logisticare, a transportation provider/broker to the Department of Social Services. In support of financial wherewithal, it is evident that the applicant is currently operating the additional vehicles without incident. The applicant will not incur additional costs. In the event the applicant requires funds to operate its business, it has access to its cash in the amount of \$40,573, proof of which was introduced into evidence. The applicant also owns all of its vehicles and has no outstanding loans. The applicant clearly has the financial wherewithal to operate the proposed service.

In support of suitability to operate the proposed service, the applicant's management provided the requisite criminal conviction history forms, which show no record for either manager/owner. Further, the business has been in operation for approximately a year with the temporary service and two years with the service for elderly and handicapped persons, with no incident or citation 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. In support of this element, the applicant provided trip sheets, showing that the vehicles provided on a temporary basis are in use every day. The transportation manager of Logisticare, the transportation broker for the Department of Social Services, testified that Logisticare refers approximately 115 to 130 calls to the applicant per day. The trip sheets entered into evidence corroborate the testimony. The evidence supports, therefore, the contention that the present and future public convenience and necessity will be improved by a permanent grant of authority for vehicles to provide the transportation of passengers for hire by virtue of a contract with, or a lower tier contract for, any federal, state, or municipal agency.

VI. CONCLUSIONS OF LAW

Crossroads Transportation, LLC possesses the requisite suitability, financial wherewithal to operate the proposed service and the public convenience and necessity will be improved by the grant of authority for four vehicles under contract in accordance with Connecticut General Statutes Section 13b-103(a).

V. ORDER

Based upon the above and pursuant to Conn. Gen. Stat. Section 13b-103, as amended, the application of Crossroads Transportation, LLC to make permanent the 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 3057, standing in the name of Crossroads Transportation, LLC is hereby amended and reissued as follows:

LIVERY PERMIT NO. 3057

Crossroads Transportation, LLC is hereby permitted and authorized to operate **FOUR (4)** motor vehicles, 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 East Haddam.

Crossroads Transportation, LLC is further permitted and authorized to operate motor vehicle for the transportation of passengers in special and charter operations in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of MC 519562.

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 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.

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.

**DURATIONAL LIVERY SERVICE
UNDER CONTRACT WITH LOGISTICARE, INC.
DOCKET NO. 0603-NGOV-03-L - GRANTED APRIL 5, 2007**

Crossroads Transportation, 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 East Haddam, Connecticut.

The authority granted in this matter, bearing Docket No. 0603-NGOV-03-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.

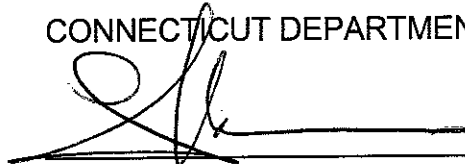
The permit holder shall notify the Department of any termination of its contract with Logisticare or the cessation of the active provision of service thereunder. The permit holder shall file with the Department on an annual basis, upon registration or re-registration of the motor vehicle authorized in 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 5th day of April, 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

A handwritten signature in black ink, appearing to read 'L. Mandour', is written over a horizontal line. The signature is stylized and cursive.

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