



**STATE OF CONNECTICUT**  
**DEPARTMENT OF TRANSPORTATION**



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NEWINGTON, CONNECTICUT 06131-7546

Phone: (860) 594-2875

DOCKET NO. 0606-N-42-L

RE: APPLICATION OF MAC TRANSPORTATION, LLC TO OPERATE FOUR (4) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NEW HAVEN.

**FINAL DECISION**

January 2, 2007

## **I. INTRODUCTION**

### **A. General**

By application filed on June 20, 2006 with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, MAC Transportation, LLC (hereinafter "Applicant"), located at 1294 Summit Street, Connecticut, seeks authorization to operate four (4) motor vehicles, having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in the Town of New Haven.

### **B. Hearing Held**

Pursuant to Connecticut General Statutes, Section 13b-103(a), as amended, a public hearing on this application was held on October 26, 2006.

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. 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**

The Applicant appeared through its member, Johnny McCray, 15 June Street, Woodbridge, Connecticut 06525.

Louis Arcucci, owner of Black Tie Transportation, appeared pro se in opposition to the application and was granted intervenor status. Mr. Arcucci's mailing address is 201 Valley Road, North Branford, Connecticut 06471. During the hearing, Mr. Arucci withdrew his objection to the application.

Sheldon Lubin, Public Utilities Examiner, was present at the hearing.

## **II. FINDINGS OF FACT**

1. The Applicant holds interstate Livery Permit Number 3080 for the registration of Interstate Livery Authority.
2. The Applicant owns four Ford Econoline vans, which are valued at \$27,590 each.
3. The Applicant pays an annual cost of \$7,742 to insure each vehicle.
4. The Applicant has a \$15,000 line of credit with Citizens Bank.

5. The Applicant maintains a savings account balance of \$50,000 with a checking balance of \$4,883.38.
6. Robert Liuzzi is the manager of the Business Center of Greater New Haven. Mr. Liuzzi uses livery service about six times a year. He has had difficulty with other livery services in the past such as poor maintenance and tardiness.
7. Winsley Moore, a customer of MAC Transportation, testified in support of the application. She spoke highly of the Applicant's airport transportation. She does not drive and she would use the Applicant's transportation service three to four times a year to visit the prison in Enfield.
8. David Barnes would like to visit his brother at the prison in Enfield more often. He would use the Applicant twice a week to visit his brother. His mother would also use the Applicant to provide her transportation to see her son in prison.
9. Natherl Moore testified that he would like to visit his nephews in jail but since he cannot drive any more, he has not seen them. He would like to see his nephews three to four times a month.
10. Michelle Augustine is a nurse for the Department of Corrections. She feels that the inmates benefit from having contact with the family members to reduce the violence in the prison.
11. Johnny McCray works full time as a maintainer for the Department of Transportation and part-time with Prime Time Limousine driving passengers to and from the airports.
12. There are more than ten correctional facilities in Connecticut. The Applicant receives requests to provide transportation to these facilities
13. There was no opposition to the application.

### **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 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.

In support of financial wherewithal, the Applicant provided financial information that shows that

the Applicant has over \$50,000 in the bank. The Applicant owns four (4) Ford Econoline vans valued at \$27,590 each. The Applicant pays an annual cost of \$7,742 to insure each vehicle. The Applicant also owns a line of credit valued at \$15,000. Based on the financial information presented, the Applicant has the financial wherewithal to provide the proposed service for the start up period of six months.

With regard to suitability, the Applicant provided the requisite criminal conviction history form for Johnny McCray, the only member of the company. The criminal history form shows no criminal convictions. Mr. McCray is an experienced livery driver having driven for another livery company in the past. During the past year, the Applicant has operated in interstate livery authority with no complaints. Based on the evidence presented, the Applicant has proven the requisite suitability.

As part of the requirements that must be met for a livery permit to be granted, the Applicant must show that public convenience would be improved by the service. To show the need for the service, the Applicant presented several witnesses who want to utilize the Applicant's service to visit correctional institutions, specifically the facility in Enfield. Servicing the correctional facilities is a unique approach to operating in livery service which may provide the Applicant a niche in the market.

The Applicant has shown some need for an additional livery service in the New Haven area but has not shown the need for four additional vehicles. The Applicant has not expressed a desire to perform funerals, weddings, nights on the town or proms. The only livery need expressed was for transportation to correctional institutions which, based upon the witness testimony, can be adequately handled by operating two vehicles full time in livery service.

Therefore, based on the witnesses presented, the Applicant will be granted the authorization to operate two (2) vehicles to start in livery service. Should the Applicant be able to prove that it requires additional vehicles to service its clients, it may re-apply at a later date or seek to have its application expedited without hearing after one year in business.

#### **IV. CONCLUSION AND ORDER**

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of MAC Transportation, LLC, is hereby amended and reissued as follows:

#### **LIVERY PERMIT NO. 3080** **FOR THE OPERATION OF LIVERY SERVICE**

MAC Transportation, LLC, is hereby permitted and authorized to operate two (2) motor vehicles, each having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in New Haven.

Mac Transportation, LLC is hereby permitted and authorized to operate motor vehicles 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 Certificate No. MC-557402-C.

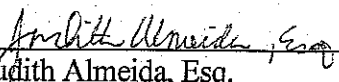
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates there under for not less than twenty-four (24) months.

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 2<sup>nd</sup> day of January 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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