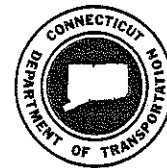


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STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 0802-N-24-L

RE: APPLICATION OF WINSTON TRANSPORTATION TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS, IN LIVERY SERVICE FOR HANDICAPPED AND ELDERLY PERSONS BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN BLOOMFIELD.

FINAL DECISION

September 5, 2008

I. INTRODUCTION

A. General

By application filed on February 5, 2008 with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-105 of the Connecticut General Statutes, as amended, Winston Transportation (hereinafter "applicant"), with a mailing address of 98 East Burnham Street, Bloomfield, Connecticut, 06002 seeks authorization to operate one (1) motor vehicle, having a seating capacity of ten (10) adults or less, in livery service for handicapped and elderly persons between all points in Connecticut from a headquarters in the town of Bloomfield.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was held on August 19, 2008.

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 Hartford Courant, 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

Winston Wallace appeared on behalf of the applicant. The applicant's mailing address is 98 East Burnham Street, Bloomfield, Connecticut 06002.

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

II. FINDINGS OF FACT

1. The applicant seeks to transport handicapped and elderly people.
2. The applicant will operate its livery service with a 2000 Toyota Corolla sedan. The applicant owes approximately \$6,376 on the vehicle. The vehicle is worth \$6,350, less than the amount the applicant owes on the vehicle. As of March 17, 2008, the applicant had accrued late charges of about \$1,757.
3. The applicant will pay an annual cost of \$4,100 to insure its vehicle.
4. As of August 18, 2008, the applicant's bank statement shows a balance of \$526. The applicant made a deposit of \$521 the day before the hearing.

5. The applicant is a couple of months behind on his mortgage payment.
6. Mr. Winston has been a driver for Simon Transportation and Dattco bus company.
7. There was no testimony presented on whether there are existing livery services of this type or on their adequacy.
8. 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 for handicapped and elderly persons, pursuant to Connecticut General Statutes Section 13b-105, as amended. The Department of Transportation may issue livery permits to applicants for the express purpose of providing reasonable livery service to handicapped persons and elderly persons on regular or irregular routes where the department finds no existing service or that the existing service is not adequate to properly serve the special needs of elderly persons and handicapped persons. In determining the special needs of the handicapped and elderly, the Department may take into consideration the convenience and the physical and mental frailties of, and the care, safety and protection necessary for the best interest of, the handicapped and elderly and the general public.

The applicant provided financial information that shows that there is a balance of \$526 in its savings account. The applicant deposited \$521 in this account, the day before the hearing. The applicant owes \$6,376 on the vehicle it will utilize in the business and the value of this vehicle is less than the amount the applicant still owes on it. The annual cost of insurance will be \$4,100, while repairs and maintenance on the vehicle will cost about \$1,000. Fuel costs will be about \$200 monthly.

Mr. Winston testified that he is a couple on months behind on his mortgage and that at the present time he is only working a few days a week for Dattco. Based on the extremely limited financial resources available, the Department is concerned that the applicant does not have sufficient resources to operate the proposed business which may have an impact on the safety of the service if the applicant is unable to maintain and insure its vehicle.

The applicant provided the requisite criminal conviction history form for Mr. Winston which shows no criminal record. Mr. Winston has experience transporting passengers for several companies including Simon Transportation and Dattco bus company.

As part of the requirements that must be met for a livery permit to be granted, the applicant must show that there is no existing livery service or that the existing service is not adequate. On this issue there was no testimony presented. There was also no testimony on how the applicant's service would provide convenience and safety to the elderly and handicapped.

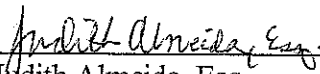
The applicant plans to operate its business with a 2000 Toyota Corolla which is not equipped to transport disabled persons, especially those that may need a wheelchair van. Operating a livery service for the elderly and handicapped with a sedan vehicle may not be providing a convenient or reasonable livery service.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-105, as amended, the application of Winston Transportation is hereby denied.

Dated at Newington, Connecticut on this 5th day of September 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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