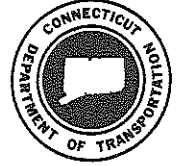


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 0811-GOV-177-L

RE: APPLICATION OF CROSSROADS TRANSPORTATION, LLC TO OPERATE SIX (6) 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 EAST HADDAM AND NEW HAVEN.

REISSUED FINAL DECISION

June 22, 2009

I. INTRODUCTION

A. Application

By application filed on November 4, 2008 with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Crossroads Transportation, LLC (hereinafter "applicant") located at 24 Sanford Bridge, East Haddam, Connecticut seeks authorization to operate six (6) 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 East Haddam and New Haven.

B. Hearing

Pursuant to Connecticut General Statutes Section 13b-103(a)(3), as amended, a public hearing on this application was held on May 4, 2009.

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 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

Mr. Jason Lawrence appeared pro se on behalf of Crossroads Transportation, LLC. The applicant's mailing address is 24 Sanford Bridge, East Haddam, Connecticut 06423.

Mr. William Scalzi appeared pro se on behalf of Metropolitan Livery which operates vehicles in livery service under contract with Logisticare in the New Haven area. Metropolitan Livery was granted intervenor status. Metropolitan Livery has mailing address of P.O. Box 26094, West Haven, Connecticut.

Mr. Mikhail Golovyan appeared pro se on behalf of Lina Medical Transportation, LLC. Lina Medical Transportation, LLC was granted intervenor status. Lina Medical Transportation has a mailing address of 119 Sanford Street, Hamden, Connecticut.

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

D. Permit Change

The applicant applied for six (6) livery vehicles from a headquarters in East Haddam and New Haven. At the hearing, the applicant was asked to define the exact number of vehicles it would be operating from each headquarters. Jim McMellon, operations manager for Logisticare testified that Logisticare would need four (4) vehicles in New Haven area and two (2) vehicles in the East Haddam area.

The Department issued a decision in Docket Number 0901-AVWO-11-L which corrected an earlier problem with the applicant operating vehicles from two headquarters without defining the exact number of vehicles assigned to each headquarters.

E. Reconsideration

On June 15, 2009, the intervenor filed a Petition for Reconsideration in this matter. As a result of its late filing, the Petition for Reconsideration was denied. However, based on an error of law, the Department reconsidered the final decision on its own motion. This decision is being reissued to consider public convenience and necessity.

II. FINDINGS OF FACT

1. The applicant seeks authorization to operate six (6) vehicles to transport passengers under contract with Logisticare.
2. Jim McMellon, Director of Operations for Logisticare, supports the application because the applicant is needed to transport wheelchair bound clients in the New Haven and East Haddam area. Logisticare needs four (4) wheelchair accessible vehicles in New Haven and two (2) wheelchair accessible vehicles in West Haven.
3. Several of Logisticare's operators have reduced the amount of work they are willing to do for Logisticare or are placing a limit on the number of trips they will provide per day for Logisticare.
4. The applicant is currently operating sixty (60) to seventy (70) trips a day with five (5) livery vehicles. A sixth vehicle was recently granted and will be in service soon.
5. Logisticare will send the applicant forty (40) to fifty (50) trips per day.
6. The applicant has a \$20,000 line of credit with Chelsea Groton Bank, cash of \$37,380 and accounts receivable of \$38,000.
7. The applicant's automobile insurance will cost \$4,039 per vehicle per year.

8. The vehicle repairs are about \$300, per vehicle, per month and the annual property tax is estimated at \$200 per vehicle.

9. The intervenors currently do not provide any wheelchair livery service.

10. According to Mr. McMellon, wheelchair providers can do ten (10) to twelve (12) trips a day.

III. CONCLUSION

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 Department to conform to the provisions of the statutes and the requirements and regulations of the Department there under, in accordance with Connecticut General Statutes Section 13b-103.

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 there under, in accordance with Connecticut General Statutes Section 13b-103.

To prove financial suitability, the applicant submitted an interim income statement that showed it has a \$20,000 line of credit with Chelsea Groton Bank, cash of \$37,380 and accounts receivable of \$38,000. Based on the evidence submitted, the applicant is financially suitable.

In support of suitability to operate the proposed service, the applicant's management provided the requisite criminal conviction history forms for both Mr. and Mrs. Lawrence and which show no criminal record. The applicant has been in livery service for four years with no citation hearings. The applicant is already in livery service operating under contract with Logisticare and is performing well. Based on the evidence presented, the applicant is suitable to conduct this operation.

With regard to public convenience and necessity, Mr. McMellon testified that several of the companies that currently operate wheelchair livery vans do not want to perform as many trips as they did in the past for Logisticare. There is some speculation that this may be due to the fact that they are able to perform more lucrative work elsewhere. Logisticare needs four (4) wheelchair accessible vehicles in New Haven and two (2) vehicles in West Haven. Logisticare estimates that each vehicle can perform ten (10) to twelve (12) rides per day. Mr. McMellon testified that his trips are in a diverse area which may not be easily covered by less vehicles due to the long distances traveled. Neither of the two intervenors performs this type of livery service and the applicant is available to expand its existing livery business to cover these additional trips. Since Logisticare currently utilizes the applicant for wheelchair livery transportation and it is pleased with the service, it should be able to utilize this provider. Based on the evidence presented, the applicant has proven public convenience and necessity.

IV. ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Crossroads Transportation, LLC is hereby granted and livery permit number 3057 is amended and reissued as follows:

LIVERY PERMIT NO. 3057 **FOR THE OPERATION OF VEHICLES IN LIVERY SERVICE**

Crossroads Transportation, LLC is permitted and authorized to operate motor vehicles in livery service as follows:

1. Two (2) motor vehicles having a passenger seating capacity of ten (10) adults or less in livery service for handicapped and elderly persons from a headquarters in East Haddam.
2. Two (2) motor vehicles having a passenger seating capacity of ten (10) adults or less in livery service for handicapped and elderly persons from a headquarters in New Haven.

Restrictions:

This Permit shall remain in effect until it is amended, suspended or 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 shall be considered sufficient cause to amend, suspend or revoke this Permit.

This Permit is transferable 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.

**DURATIONAL LIVERY SERVICE
UNDER CONTRACT WITH LOGISTICARE
DOCKET NUMBER 0603-NGOV-03-L GRANTED APRIL 5, 2007**

Crossroads Transportation, LLC is authorized to operate two (2) motor vehicles, each having a seating capacity of ten (10) adults or less, under contract with Logisticare dated April 5, 2007 for the provision of livery service under contract with a federal, state or municipal agency or a lower tier contract thereof from a headquarters in East Haddam for one (1) vehicle and one (1) motor vehicle from a headquarters in New Haven, Connecticut.

RESTRICTIONS:

The authorization granted in Docket Number 0603-NGOV-03-L shall be durational in nature and shall exist only for the period of time that the permit holder has a continuing contract in effect for the provision of service with Logisticare.

The Permit holder shall notify the Department of any termination of this contract or the cessation of active provision of service under them. The permit holder shall file with the Department, on an annual basis, upon registration or re-registration of the motor vehicles authorized in this final decision, a current copy of the extension of said contract. Failure to file an extension of the contract or a new contract shall void the authority for all vehicles granted pursuant to said contracts.

This Permit is not transferable and shall remain in effect until revoked by the Department or the contract under which this authority is granted has expired. Failure of the permit holder to maintain proper insurance and/or comply with all the pertinent motor vehicle laws and other State statutes and/or the rules and regulations and orders of the Department shall be considered sufficient cause to revoke or suspend said Permit.

**DURATIONAL LIVERY SERVICE
UNDER CONTRACT WITH LOGISTICARE, INC.
DOCKET NO. 0811-GOV-177-L- GRANTED MAY 27, 2009**

Crossroads Transportation, LLC is hereby permitted and authorized to operate six (6) 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. The applicant will operate four (4) motor vehicles from a headquarters in New Haven, Connecticut and two (2) motor vehicles from a headquarters in East Haddam, 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.

The authority granted in Docket No. 0807-GOV-177-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 there under. 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 the 22nd day of June 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida, Esq.

Staff Attorney III

Administrative Law Unit

Bureau of Finance and Administration