



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0811-N-181-L

RE: APPLICATION OF AJMAL MEHDI D.B.A. MEDICS TRANSPORTATION TO OPERATE FOUR (4) MOTOR VEHICLES HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN, ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN BRISTOL, CONNECTICUT.

FINAL DECISION

June 1, 2009

## I. INTRODUCTION

### A. Application

By application filed on November 10, 2008 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Ajmal Mehdi d.b.a. Medics Transportation (hereinafter "applicant") located at 511 Pine Street, Bristol, 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 Bristol.

### B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a), as amended, a public hearing on this application was held on May 8, 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 General Statutes Section 13b-103(a)(1), as amended. Legal notice to the public was given by publication in the Bristol 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

The applicant, Ajmal Mehdi d.b.a. Medics Transportation, appeared on his own behalf without counsel.

David Byrne, vice president of Managed Transportation Services, Inc. d.b.a. CWS Transportation in Plainville, Connecticut and holder of livery permit number 2206 was granted intervenor status. The intervenor holds authority, from a headquarters in Plainville, to operate 16 vehicles in general livery service, 11 of which are registered from its Plainville headquarters.

Sheldon Lubin, utilities examiner for the Regulatory and Compliance Unit of the department was present at the hearing.

## II. FINDINGS OF FACT

1. The applicant's would like to provide medical transportation to people locally. He seeks to provide medical transportation for social service clients, for people with disabilities and medical conditions.

2. As of May 7, 2009, the applicant had a cash balance of \$18,060.

3. The applicant has mortgage balances in the total amount of \$127,914.91. The monthly payments on the two mortgages together amount to \$1,750 each month. The net equity is \$122,085.09.

4. The applicant has two vehicles that he owns outright which he will put into service, if the application is granted. If he receives authority for the entire request, he will finance two additional vehicles.

5. The applicant's operating expenses for four vehicles for a six month start up cost are estimated as follows: fuel expenses for 4 vehicles are estimated at 10,800 - which is broken down to \$3,000 a month per vehicle at an estimate of \$3.00 per gallon of fuel, and 20 miles per gallon. The applicant estimates repairs at approximately \$2,200. Maintenance per car is estimated at \$1,480.

6. The applicant's insurance quote for the required auto liability of coverage has a premium of \$3,212 per vehicle and \$6,425 for two vehicles - for three vehicles and with the fourth, insurance will be \$12,850.

7. David McIntyre, from Bristol, is from a senior center has known the applicant for approximately fifteen years. McIntyre is disabled and has needed to go to medical appointments with no way to get there. He has walked, sometimes for miles, to get to the doctor.

8. Although McIntyre currently tries to use the public bus system, it is not reliable because the buses break down often. McIntyre does not use transportation operated by Bristol Community Organization for medical appointments because they are always busy and you cannot make an appointment for a ride unless you call months in advance. He uses the bus at a discounted cost of \$.60.

9. Charles Baker lives in Bristol and uses Suburban Livery. He does not feel that Suburban Livery is reliable. Baker uses transportation which is paid for by Title XIX.

10. Lea Lopez has had several instances when she could not get medical transportation. She has lost two doctors and one for her children because of being unable to get transportation. Her transportation is paid by her insurance company.

### 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.

In support of suitability, the applicant has no criminal convictions and is not currently involved in criminal activity. He appears willing and able to operate the proposed service. No evidence was submitted on the record to contravene the applicant's suitability.

With regard to financial wherewithal to operate the proposed service, the applicant provided information on its financial status. The applicant has considerable mortgage liability. In looking at the cost of doing business, including purchasing two vehicles, paying for expenses, maintenance and fuel costs, it appears with the applicant's cash balance and liabilities, the applicant would be financially suitable to operate only two vehicles.

Lastly, in support of public convenience and necessity, the applicant submitted letters in support of the proposed business. The letters appear to be form letters. They are given little weight because the signatories were not present at the hearing and were unable to be cross-examined. See *Norwalk Yellow Cab, Inc. v. Department of Transportation, et al*, Docket No. CV 93-07074676, Memorandum of Decision, Judicial District of Hartford/New Britain (1994).

Three witnesses testified to their need for livery for medical appointments. The witnesses who testified indicated that the transportation they used for those appointments were provided by some type of State or Municipal aid, provided by a transportation broker and currently, the transportation being provided by the broker is unreliable. The witness testimony did not support general livery service. In fact, while a witness testified that she would need livery service to the grocery store or shopping, it is not a reasonable conclusion that she would use a livery vehicle at a minimum cost of \$25 for such errands.

There was no substantial evidence entered into the record to support public convenience and necessity for general livery service. Rather, the evidence supports transportation for contract services, however, no contracts were provided. Based on the record, which is silent on the issue of contracts for work for government agencies or lower tier contracts therefore, and on the fact that the witnesses' transportation is provided by subsidy, the application cannot be granted.

The applicant is encouraged to speak to the transportation brokers to discuss entering into contracts to provide better service than is evidently being provided.

#### IV. CONCLUSIONS OF LAW

Based on the above, the applicant failed to meet its burden of proof to show that the public's convenience and necessity would be improved by a grant of the authority requested, in accordance with Connecticut General Statutes Section 13b-103.

#### V. ORDER

The application standing in the name of Ajmal Mehdi d.b.a. Medics Transportation is hereby denied.

Dated at Newington, Connecticut, this 1st day of June 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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Bureau of Finance and Administration