

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1001-N-03-L

RE: APPLICATION OF BETHEL AMBULETTE, INC. TO OPERATE TWO (2) MOTOR VEHICLES HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS, FOR THE EXPRESS PURPOSE OF PROVIDING REASONABLE LIVERY SERVICE TO HANDICAPPED PERSONS AND ELDERLY PERSONS BETWEEN, ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN STRATFORD, CONNECTICUT.

FINAL DECISION

March 25, 2010

I. INTRODUCTION

A. Application

By application filed on January 26, 2010 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-105 of the Connecticut General Statutes, as amended, Bethel Ambulette, Inc. (hereinafter "applicant") located at 91 Browning Street, Stratford, Connecticut seeks authorization to operate two (2) motor vehicles, having a seating capacity of ten (10) adults or less, for the express purpose of providing reasonable livery service for handicapped and elderly persons between all points in Connecticut from a headquarters in Stratford, Connecticut.

B. Hearing

Pursuant to Connecticut General Statutes, Section 4-177, as amended, a public hearing on this application was held on March 11, 2010.

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). Legal notice to the public was given by publication on the department website at www.ct.gov.

A hearing officer designated by the Commissioner, pursuant to Connecticut General Statutes Section 13b-17 conducted the hearing on this matter.

C. Appearances

Saji Thomas, owner of the applicant company appeared on its behalf, without counsel. The applicant's mailing address is 91 Browning Street, Stratford, Connecticut.

Joseph Miller, risk manager for Curtin Motor Livery Service, Inc. and Lasse's Livery Service, Inc. appeared on their behalf, without counsel. Curtin Motor Livery Service, Inc. holds livery permit number 112 and is authorized to operate from a headquarters in Bridgeport. Lasse's Livery Service is holder of livery permit number 92 and is authorized to operate livery vehicles from Bridgeport. Both companies were granted intervenor status. The mailing address for both companies is 176 Cross Road, Waterford, Connecticut. Miller represented that the companies attended to ask questions regarding whether the applicant would be providing stretcher transportation.

Sheldon Lubin, utilities examiner for the Regulatory and Compliance Unit, appeared at the hearing.

II. FINDINGS OF FACT

1. The applicant's owner, Saji Thomas, is one-third owner of a livery company in New York, from which he receives a salary. He seeks to begin a livery business for elderly and handicapped persons in Connecticut.

2. While Thomas will remain employed with the New York transportation company, his wife will resign from her employment and will be the operations manager for the applicant company.

3. Thomas noticed that often there are elderly and handicapped people awaiting transportation from a medical office.

4. While letters of support were introduced into evidence, no witnesses appeared to corroborate the written statements.

5. Thomas will purchase two vans, one used and one new, equipped with lifts and tie downs and other equipment required for the transportation of people in wheelchairs and stretchers.

6. The seats in the van proposed for the business fold up which will be used to transport elderly people if required.

7. A step stool or the van's lift will be used to board and disembark elderly passengers.

8. The applicant's vans will be equipped to transport stretchers and the applicant intends to transport patients on stretchers with its vans.

9. Mr. and Mrs. Thomas have cash on hand in the amount of \$16,003. They have assets in the amount of \$429,817 with current liquid assets of \$69,817. Thomas also has a net income of \$72,237, all of which both Mr. and Mrs. Thomas have pledged for the company, if the money is required.

10. Thomas has no criminal history.

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. The department may issue permanent 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, in accordance with General Statutes Section 13b-105. Further, an applicant's motor vehicle must meet the requirements of subsection (e) of section 14-100a.

The applicant in this case produced evidence in support of financial wherewithal of total assets in the amount of \$429,817. Thomas the applicant's owner, and his wife, both testified that they would use their monetary assets in furtherance and in support of the proposed service.

In support of suitability, the applicant offered that its owner, Saji Thomas, is one third owner of a transportation company in New York called Shalom Ambulette, Inc. Thomas seeks to open and operate Bethel Ambulette, Inc. like the one in New York, which began with two vehicles and has grown to operate seventeen vehicles, and which transports patients on stretchers. Thomas works with the day to day operations of that company. Thomas has no criminal conviction history. Thomas' wife, Suja Thomas, will be the operations manager. She has worked as assistant controller for a company in New York since 2004. She will resign from her current job to devote her services full time to the applicant company if the application is approved.

Joseph Miller, risk manager for the intervening companies, Lasse's Livery Service, Inc. and Curtin Motor Livery, Inc. testified that he was attending the hearings to inquire as to the applicant's intention of providing transportation for stretchers, based on the specification of the vans that the applicant intends on purchasing. The applicant's representative testified that the applicant intends to provide transportation to people on stretchers.

A review of the documents submitted with the application in support of the financial documentation, in conjunction with the testimony offered, shows that Thomas, the applicant's representative, seeks to establish an operation similar to that of Shalom Ambulette, Inc., in New York. The insurance policy submitted for Shalom Ambulette, Inc. classifies the business as "paratransit - non emergency medical transport rated as ambulance service, fist aid, or rescue squads - other than not for profit...."

The applicant's representative also submitted with the application the estimated payroll for the employees and attached to the payroll estimates is the operating revenue estimates, which describes the company as a "transportation company that specialize in wheel chair transportation. Our services include: Non emergency stretcher transportation, wheelchair accessible services, door-to-door service, transportation to hospitals, transportation to medial centers, transportation to dialysis centers, transportation to physical therapy center. The company vehicles will be equipped with wheelchairs and stretchers."

While the instant application is for the transportation of elderly and handicapped persons, the documentation presented with the application and the vehicles sought to be purchased show that the company will be geared toward patients who are handicapped and on stretchers. The applicant was asked about elderly transportation and the ability of the elderly to board a wheelchair van since it is higher than a car. Thomas testified that the van would be equipped with lifts and elderly persons could board and disembark the vehicle using the lift, or a step stool would be provided.

While it is feasible for a step stool to be used to board an elderly person on a van, considering the convenience and the physical and mental frailties of, and the care, safety and protection necessary for the best interest of the elderly, the applicant's proposal is not persuasive that its vehicles and transportation would best serve the elderly. Moreover, according to Thomas' testimony, the applicant seeks to transport patients on stretchers. The Department of Transportation holds no jurisdiction over the transportation of patients on stretchers.

The record is silent as to the lack of existing services for the elderly and handicapped in the area of concern. Furthermore, the record is silent as to the inadequacy of existing services to meet any need that exists. Based on the above, the applicant fails to meet its burden of proving public convenience and necessity and as such, the authority cannot be granted.

IV. CONCLUSIONS OF LAW


Bethel Ambulette, Inc. does not meet the requirements of Connecticut General Statutes Section 13b-105 based on the foregoing Findings of Fact and Discussion.

V. ORDER

The application of Bethel Ambulette, Inc. is denied.

Dated at Newington, Connecticut, this 25th day of March 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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