



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1007-N-58-L

RE: APPLICATION OF NEW ENGLAND MEDICAL TRANSPORTATION, LLC TO OPERATE EIGHT (8) MOTOR VEHICLES, HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN MERIDEN, CONNECTICUT.

FINAL DECISION

January 28, 2011

## I. INTRODUCTION

### A. Application

By application filed on July 13, 2010 with the Department of Transportation (hereinafter "department"), pursuant to section 13b-103 of the Connecticut General Statutes, as amended, New England Medical Transportation, LLC (hereinafter "applicant") located at 11 Overlook Drive, Meriden, Connecticut seeks authorization to operate eight (8) 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 Meriden, Connecticut.

### B. Hearing

Pursuant to Connecticut General Statutes, section 13b-103(a), as amended, a public hearing on this application was held October 7, 2010. Prior to the close of evidence, the applicant requested a continuance to contact additional witnesses on a particular issue. A continuance was granted and the second of day of hearing took place on January 4, 2011.

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. Notice to the public was given by publication on the department website at [www.ct.gov/dot](http://www.ct.gov/dot).

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

### C. Appearances

Brenda L. Shaw, owner and managing member, appeared on behalf of the applicant. The applicant's mailing address is 11 Overlook Drive, Meriden, Connecticut.

Sheldon Lubin, utilities examiner for the department, was present at the hearing.

No opposition was presented to the application.

## II. FINDINGS OF FACT

1. The applicant holds authority to operate three motor vehicles for the provision of livery service to elderly and handicapped persons and four motor vehicles under contract with The Day Club.

2. The applicant has an executed contract with transportation broker Coordinated Transportation Solutions, Inc. (hereinafter "CTS.")

3. CTS will not provide witness support for the transportation they seek from the applicant. CTS has requested that the applicant become authorized to provide general livery service before the CTS gives the applicant any business.

4. The applicant's management has no criminal conviction history and no history of citations.

5. Paul Ferri travels to different cities and needs transportation services to the airport. He has used other transportation services and he has to wait for it or has to go to certain points where the limousine would pick up. Sometimes he relies on his family for transportation in the early hours of the morning and he would rather use the applicant than require his family to provide transportation.

6. Beth Dunn, from Meriden, would use the applicant to the airport. She trusts the applicant and would prefer to use the applicant for her transportation needs.

7. Andy Kyle lives in Wallingford and he is a member of a fraternal organization that has the need for livery transportation. Kyle's organization would use the applicant six to eight times a year for functions. Kyle would use the applicant for personal transportation needs as well.

8. The applicant has cash on hand in the amount of \$2,294 and one vehicle available to put into service.

### 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.

The managing member of the applicant, Brenda Shaw, provided evidence on the record in support of financial wherewithal to operate the proposed service. The annual insurance premium, per vehicle, averages at \$4,225 per vehicle. The vehicle expenses

are estimated at \$80 per vehicle per week, maintenance and repairs are estimated at \$1,200 per year per vehicle and personal property tax is estimated at \$100 per vehicle annually. The applicant has cash on hand in the amount of \$2,294. The applicant plans to finance the vehicles. Additional vehicles would cost from \$2,880 to \$6,710. The applicant expects to pay drivers from \$9 to \$11 per hour. Given the expenses and the applicant's cash on hand, the applicant has the financial wherewithal to operate one vehicle in general livery service if the vehicle is financed and the applicant currently has another vehicle available for use. Accordingly, the applicant has the wherewithal to operate two vehicles.

Shaw also submitted her criminal conviction history record which shows that she has no criminal record. Shaw has been providing livery service to elderly and handicapped persons under contract for a senior day care facility without a citation history. She appears willing to operate within the confines of the statutes and regulations.

Lastly, the applicant must prove that the public convenience and necessity will be improved by a grant of the application. Although some of the evidence supported livery service under contract, since there was no testimony from the transportation broker, livery service under contract cannot be authorized.

Several witnesses testified to their need for livery service and one of the witnesses testified that he tried other services that were not reliable. The witnesses would use the applicant for livery service to the airport and to functions across the state.

It bears noting that the transportation brokers seek livery providers with general livery authority; however, the type of livery service that the department authorizes for such work is for motor vehicles engaged 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. Livery service for transportation brokers will not be authorized without testimony from the brokers as to the need for such transportation.

#### IV. CONCLUSIONS OF LAW

The applicant possesses the suitability and financial wherewithal to operate the proposed service. The applicant has also proven that the proposed service would improve the public convenience and necessity in the area local to Meriden, in accordance with Connecticut General Statutes section 13b-103. While the proposed service would improve the public convenience and necessity, the evidence did not support a demand for eight vehicles. Therefore, the application will be approved in part. If additional vehicles are required, the applicant may apply for authority without hearing in accordance with section 13b-103(a)(4) or for additional vehicles through hearing.

V. ORDER

Based upon the foregoing, the application of New England Medical Service, LLC is hereby approved, in part, and livery permit number 3235 is hereby amended and reissued as follows:

**LIVERY PERMIT NO. 3235**  
**FOR THE OPERATION OF LIVERY SERVICE**

New England Medical Transportation, LLC is hereby permitted and authorized to operate **TWO (2)** motor vehicles, having a seating capacity of less than ten (10) adults, in **GENERAL LIVERY SERVICE** between all points in Connecticut from a headquarters in Meriden.

New England Medical Transportation, LLC is further permitted and authorized to operate **THREE (3)** motor vehicles, each having a seating capacity of less than ten (10) adults, **FOR THE EXPRESS PURPOSE OF PROVIDING REASONABLE LIVERY SERVICE TO HANDICAPPED PERSONS AND ELDERLY PERSONS** between all points in Connecticut from a headquarters in Meriden.

The additional authority granted herein may not be sold or transferred until it has been operational, i.e., a vehicle registered with the livery plates thereunder, for not less than twenty-four (24) consecutive months.

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.

A memorandum of this Permit, bearing the seal of the Department, shall be kept conspicuously posted in the motor vehicles operated under this Permit.

**DURATIONAL LIVERY SERVICE**  
**UNDER CONTRACT WITH THE DAY CLUB**  
**DOCKET NO. 1002-GOV-06-L**  
**GRANTED – JUNE 15, 2010**

New England Medical Transportation, LLC is hereby permitted and authorized to operate **four (4)** motor vehicles, each having a seating capacity of less than ten (10)

adults **for the express purpose of providing livery service to the Day Club** between all points in Connecticut from a headquarters in Meriden.

The authority granted in Docket Number 1002-GOV-06-L shall be durational in nature and shall exist only for the period that the permit holder has a current and continuing contract in effect for the provision of service with the Day Club.

The permit holder shall notify the department of any termination of this contract with the Day Club or the cessation of the active provision of service thereunder. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicles authorized in this decision, a current, copy of the extension of said contract. Failure to file an extension of the contract, or a new executed contract with the Day Club, shall void the authority for the vehicles authorized pursuant to this contract.

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, this 28<sup>th</sup> day of January 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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Laila A. Mandour  
Staff Attorney III  
Administrative Law Unit  
Bureau of Finance and Administration