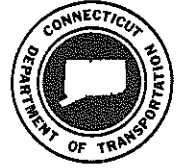


STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1101-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 LIVERY SERVICE FOR HANDICAPPED AND ELDERLY PERSONS, BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN STRATFORD.

FINAL DECISION

May 18, 2011

## I. INTRODUCTION

### A. General

By application filed on January 14, 2011, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-105 of the Connecticut General Statutes, as amended, Bethel Ambulette, Inc. (hereinafter "applicant") with a mailing address of 91 Browning Street, Stratford, Connecticut, seeks authorization to operate two (2) motor vehicles, having a seating capacity of ten (10) adults or less, in livery service to transport the elderly and handicapped between all points in Connecticut from a headquarters in the town of Stratford.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-105, as amended, a public hearing on this application was held on May 3, 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 the Connecticut General Statutes Section 13b-103. Notice to the public was given by publication on the department's website.

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

### C. Appearances

Mr. Saji Thomas appeared on behalf of the applicant. The applicant was represented by attorney Stephanie Laska. Ms. Laska's mailing address is 11 Belden Avenue, Norwalk, Connecticut 06850.

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

## II. FINDINGS OF FACT

1. The applicant seeks to operate two (2) motor vehicles in livery service to transport elderly and handicapped people to and from medical appointments. In addition, the applicant may provide transportation to other venues.

2. The applicant owns and works in a livery service which transports elderly and disabled clients in New York. Shalom Ambulette operates seventeen (17) vehicles and has operated for the past eight years.

3. James Dahl is a nursing home administrator with the Golden Hill Care Center in Milford which handles nursing and rehabilitation services. The transportation needs for the nursing home are for wheelchair vans and ambulances. Mr. Dahl's experience has been that patients usually end up waiting from 1 to 1 1/2 hours to get a ride home from doctors' offices. He is also concerned with how the livery drivers are treating the patients. Off site Transportation is

needed approximately 15 to 20 times a week. Ninety-five percent of these trips require wheelchair accessible vehicles.

4. Nithin Chandrababu is a professor at the University of Bridgeport. He performed a study on the need for elderly and disabled transportation. Mr. Chandrababu determined that the elderly population is increasing, the median age of Connecticut residents exceeds the country median age and that services such as the applicant is seeking to provide are needed. In addition, Mr. Chandrababu spoke with staff at nursing homes and dialysis centers and discovered an overall dissatisfaction with the current transportation providers who leave patients waiting.

5. Gary Gonsalves is a disabled veteran who lives in Bridgeport. In the area in which he lives, many people do not avail themselves of medical transportation due to their inability to secure transportation to and from the doctors' offices.

6. The applicant is going to operate one wheelchair accessible van and one sedan.

7. The applicant and his wife, Saja Thomas, will both work in the business and hire drivers to operate the vehicles.

8. The applicant's monthly expenses \$500 for rent, fuel expenses of \$600, repairs of \$200 and other expenses of \$3,325.

9. The fair market value for the 2008 Mercury Grand Marquis is \$30,810 and the loan payment would be about \$700 a month. The cost of the Ford E-350 van would be about \$32,565 and the loan payment would be about \$700.

10. The annual property tax for the two vehicles is about \$1,200.

11. The estimate of the first six months of revenue would be about \$103,350. The insurance premium is \$1,734 annually for general insurance and \$8,020 for insuring the two vehicles.

12. As of May 13, 2011, there was \$45,302 in the bank in the name of Bethel Ambullette, Inc.

13. This application was not opposed.

### 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, 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 their suitability 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 Connecticut General Statutes Section 13b-103.

In support of financial wherewithal, the applicant provided information that it has monthly expenses that include \$500 for rent, fuel of \$600, repairs of \$200 and other expenses of \$3,325. The fair market value for the 2008 Mercury Grand Marquis is \$30,810 and the loan payment would be about \$700 a month. The cost of the Ford E-350 van would be about \$32,565 and the loan payment would be about \$700. The annual property tax for the two vehicles is about \$1,200. The estimate of the first six months of revenue would be about \$103,350. The insurance premium is \$1,734 annually for general insurance and an additional \$8,020 for the two vehicles. As of May 13, 2011, there was \$45,302 in the name of Bethel Ambullette, Inc.

The applicant provided a schedule to show that the monthly expenses it would incur for six months it is \$42,020. Since the applicant has \$45,302 in the bank, the applicant is financially viable to operate the two vehicles it has requested. Therefore, based on the evidence presented, the applicant is financially suitable to operate the proposed business.

With regard to suitability, the applicant provided the requisite criminal conviction history form for Saji Thomas which reflects no criminal convictions. The applicant has experience operating a livery service for the elderly and handicapped in New York for the past eight years in which he is a 30% owner. The applicant understands the rules and regulations for operating a livery service and has formulated a plan on how he will operate his business. There was no negative evidence presented concerning the applicant's suitability. Based on the evidence presented, the applicant has proven the requisite suitability to operate the proposed service for the elderly and handicapped.

As part of the requirements that must be met for a livery permit to be granted, the applicant must show that public convenience and necessity would be improved by the service. The applicant presented three witnesses to prove need. Mr. Dahl testified that due to the long waiting times to pick up and drop off patients at his facility, he is in support of the application. Mr. Gonsalves, a disabled veteran, testified that he knows many people who do not have access to transportation to and from doctors' offices which has resulted in these individuals not seeking proper medical care. Finally, Professor Chandrababu testified that based on statistics, Connecticut's elderly population is growing and there is dissatisfaction from facilities who receive patients late to medical appointments.

Based on the evidence presented, the applicant has shown a need for the proposed service to transport the elderly and disabled and this application is granted.

#### IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-105, as amended, the application of 3253 is hereby granted and issued as follows:

LIVERY PERMIT NO. 3253  
FOR THE OPERATION OF LIVERY SERVICE

Bethel Ambulette, Inc. is hereby permitted and authorized to operate two (2) motor vehicles having a seating capacity of ten (10) adults or less, in livery service for the elderly and handicapped between all points in Connecticut from a headquarters in Stratford.

RESTRICTIONS:

**The applicant has thirty (30) days from the date of this decision to register a vehicle under this permit. Failure to register a vehicle within this time frame may subject the applicant to a citation hearing.**

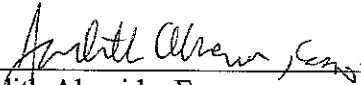
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates there under for not less than twenty-four (24) months.

This permit shall remain in effect until 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 may from time to time prescribe thereunder.

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 on this 18th day of May 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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