



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 1212-N-163-L

RE: APPLICATION OF RIVA'S RIDES, LLC. TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS IN LIVERY SERVICE TO TRANSPORT ELDERLY AND HANDICAPPED PASSENGERS BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN DANBURY.

FINAL DECISION

July 30, 2013

I. INTRODUCTION

A. General

By application filed on December 26, 2012, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-105 of the Connecticut General Statutes, as amended, Riva's Rides, LLC. (hereinafter "applicant") with a mailing address of 60 Newtown Road, Danbury, Connecticut 06810, seeks authorization to operate one (1) motor vehicle, having a seating capacity of ten (10) adults or less in livery service, for elderly and handicapped persons, between all points in Connecticut from a headquarters in the town of Danbury.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-105, as amended, a public hearing on this application was held on July 18, 2013.

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. Legal 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

Riva Shoshana appeared on behalf of the applicant. She was represented by W. Martin Philpot, Esq. Mr. Philpots's mailing address is 409 Orange Street, New Haven, Connecticut 06511-6406.

D. Interstate Livery

While the applicant did receive a Z plate last year, it was issued incorrectly by the Department of Motor Vehicles. Upon examination it appears that the applicant has no valid interstate livery authority and fell through the cracks. The applicant must cease operating in interstate livery service until it receives valid authority from the federal government. Once that happens the applicant needs to have the livery permit issued in this decision amended to include that interstate authority.

E. Finding of Facts

1. The applicant seeks to operate one (1) livery vehicle for transporting elderly and handicapped persons from a headquarters in Danbury. She currently has interstate livery authority which she received on December 14, 2012.

2. The applicant has transportation experience from working as a motor coach operator for J & R Tours in New York and a shuttle van operator for Western Connecticut State University.

3. The applicant also operated a home aide placement company which she sold last year. She was the care taker for her elderly parents which included her mother who utilized a wheelchair for many years.

4. There is very limited public transportation in the Danbury area. There is a van service run by HART which is a fixed route service. There are no wheelchair accessible taxicabs in the Danbury area.

5. The applicant plans to use a 2012 Dodge Grand Caravan in the business. This vehicle has a fair market value of approximately \$45,500 and is wheelchair accessible.

6. The applicant's monthly expenses include cell phone of \$204, merchant fees of \$10, repairs and maintenance of \$50. The annual expenses include property tax of \$235 and insurance of \$3,877.

7. The applicant has \$6,742 in the bank to pay the startup costs for the first six months. The applicant also has a line of credit for \$100,000 with Wells Fargo. The credit in use on that account was \$30,094.

8. The applicant currently volunteers with the non-profit organization "Rides for Ridgefield" where she drives people to appointments free of charge.

9. John Gentile is the Chairman of the Commission for the Disabled which has as its main focus the lack of transportation for the disabled. He supports the application as there is a need for wheelchair transportation in the Danbury area.

10. Joanne Cueva is a Program Specialist with the Danbury Chamber of Commerce. She testified as to the severe lack of transportation options for the elderly and disabled in the Danbury area.

11. In the City of Danbury there are 9,200 people over 65 and 12,128 disabled people within the Danbury area.

12. Joe Pasquerella works for Wheelchair Getaways which rents wheelchair accessible vehicles. He gets requests on a regular basis for drivers for the wheelchair accessible vehicles that he cannot provide.

13. There was no opposition to the application.

II. 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 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 Connecticut General Statutes Section 13b-103.

In support of financial wherewithal the applicant has presented evidence that she plans to use a 2012 Dodge Grand Caravan in the business. This vehicle has a fair market value of approximately \$45,500. The applicant's monthly expenses include cell phone of \$204, merchant fees of \$10, repairs and maintenance of \$50. The annual expenses include property tax of \$235 and insurance of \$3,877. The applicant has \$6,742 in the bank to pay the startup costs for the first six months. The applicant also has a line of credit for \$100,000 with Wells Fargo. The credit in use on that account was \$30,094. Based on the evidence presented, the applicant has proven the financial suitability to operate this livery service.

With regard to suitability, the applicant provided the requisite criminal conviction history for Riva Shoshana which showed no convictions. Ms. Shoshana has been operating in interstate service since 2012 and is familiar with the requirements of a livery service and will be able to comply with the rules and regulations regarding this new service.

The applicant must also prove that the service it proposes is needed in the community. The applicant presented the testimony of several witnesses in this matter. John Gentile supports the application as there is a need for wheelchair transportation in the Danbury area. Joanne Cueva testified as to the severe lack of transportation options for the elderly and disabled in the Danbury area. Joe Pasquerella gets requests on a regular basis for drivers for the wheelchair accessible vehicles that he cannot provide. These three witnesses know first-hand the need for transportation services of the type the applicant is offering.

Taking all of the factors into consideration, the applicant will be approved to operate one (1) livery vehicle in intrastate livery service for the elderly and handicapped from a headquarters in Danbury.

III. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Riva's Rides, LLC. is hereby granted and Livery Permit Number 3317 is issued as follows:

LIVERY PERMIT NO. 3317
FOR THE OPERATION OF LIVERY SERVICE

Riva's Rides, LLC. is hereby permitted and authorized to operate one (1) motor vehicle, having a seating capacity of ten (10) adults or less, in livery service for handicapped and elderly persons from a headquarters in Danbury to all points in Connecticut.

RESTRICTIONS:

The applicant must register the one vehicle granted under this decision within sixty (60) days from the date of this decision.

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 30th day of July 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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