



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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Phone:

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DOCKET NUMBER 1302-C-187-L

RE: IN THE MATTER OF THE CITATION OF ABBEY ROAD
TRANSPORTATION, LLC.

Final Decision

August 9, 2013

I. INTRODUCTION

A. Background

On June 25, 2013, the Department of Transportation (hereinafter "department"), issued a citation, pursuant to Connecticut General Statutes Section 13b-103, as amended, to Abbey Road Transportation, LLC (hereinafter "respondent") whose mailing address is 568 Center Street, Manchester, Connecticut and who is the holder of Livery Permit Number 2705. The respondent was ordered to come before the department to answer allegations made therein.

The citation directed the respondent to appear at the Newington office of the Department of Transportation to show cause why Permit Number 2705 for the operation of livery service should not be suspended or revoked or a civil penalty imposed for violation of its permit issued in accordance with Connecticut General Statutes Section 13b-102, et seq. for failure to 1. Operate intrastate livery without a permit in violation of General Statutes and 2. failure to display proper plates in violation of General Statutes Section 14-27(d).

The citation was served upon the respondent by first class and certified mail and recited the department's reasons for issuing same.

B. Hearing

Pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on August 6, 2013.

Notice of the citation and of the hearing to be held thereon was given to the respondent and to such other parties as required by General Statutes Section 13b-103, as amended.

Commissioner of Transportation designated a hearing officer to conduct the hearing on this matter, pursuant to Connecticut General Statutes Section 13b-17.

C. Appearances

Abbey Road Transportation, LLC appeared through its owner, Michael Lussier.

Eugene Morris, Public Transit Inspector with the Regulatory and Compliance Unit of the Department of Transportation, presented the agency's evidence.

II. FINDINGS OF FACT

1. The respondent is holder of Livery Permit Number 2705 and is authorized to operate motor vehicles in general livery service to all points in Connecticut from a headquarters in New Haven, Connecticut.
2. Eugene Morris is a Transportation Public Transit Inspector with the department.
3. On February 20, 2013, Morris received a copy of a misdemeanor summons for Abbey Road Transportation, LLC for operating intrastate livery service without a permit and failing to have the proper marker plates on the vehicle.

4. The State Police observed the respondent dropping off passengers with a vehicle bearing marker plate Z9119Z at Bradley Airport. Upon further investigation, the State Police learned that the passengers were picked up in Madison, Connecticut and dropped off in Windsor Locks, at Bradley Airport.
5. The State Police issued a misdemeanor summons and complaint to the respondent's driver for providing an intrastate trip with a vehicle that is authorized to provide only interstate trips (that was bearing interstate marker plates).
6. The respondent appeared in Superior Court, GA #13 and paid a fine in settlement of said complaint.
7. The trip ticket entered into evidence for said trip shows the originally listed marker plate as L6467L, but there is also a hand written note indicating "T/C Lincoln 1P Propane" and "Z9119Z" and a note that says "F.Y.I. enter driveway home is down on the right #51".

III. DISCUSSION

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in livery service in the State of Connecticut accordance with Connecticut General Statutes Section 13b-102, as amended.

Pursuant to Connecticut General Statutes Section 13b-103 the department may amend, or for sufficient cause suspend or revoke any such permit. Further, the department may impose a civil penalty on any person who violates any provision of the governing chapter or any regulation adopted under Section 13b-102 through 13b-109, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one thousand dollars per day for each violation.

The evidence in this matter shows that the respondent is holder of Permit Number 2705 and that it provided a ride intrastate with an interstate plated vehicle. The owner of the respondent testified that the driver took the wrong car and that the driver realized it was the wrong car after he had begun the trip and then couldn't go back to change cars.

A close review of the trip ticket shows that the original trip was booked with an "L" plated vehicle but that hand written notes on the trip ticket tend to show that there was a change in the vehicle to be used with further directions to find the home. Those notes would not have been made by the driver because the F.Y.I. indicates that someone left those directions for the driver. Although Lussier testified that the "L" plated vehicle was available, the notes lead to the contrary conclusion.

IV. CONCLUSIONS OF LAW

The evidence shows that the respondent violated the terms of its permit by violating Connecticut General Statutes Sections 13b-103 and 14-27(d).

V. ORDER


The respondent is hereby ordered to pay to the Department of Transportation a civil penalty in the amount of Two Hundred Fifty Dollars (\$250), by certified check, bank check or money order made payable to the Treasurer, State of Connecticut," within thirty days from the date of the final decision.

The respondent is hereby placed on probation for a one (1) year period to commence on the date of the final decision. Probation means that the respondent is barred from making application for additional vehicles during the period of probation. In addition, any further violations of a similar nature may result in the imposition of additional civil penalty or suspension of Permit Number 2705.

This final decision constitutes notice in for the purposes of, and in accordance with, Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this the 9th day of August 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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