

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1508-N-103-L

RE: APPLICATION OF D & I CAR SERVICE, LLC TO OPERATE TWO (2) MOTOR VEHICLES, EACH HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NEWINGTON.

FINAL DECISION

FEBRUARY 19, 2016

I. INTRODUCTION

A. General

By application filed on August 18, 2015, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, D & I Car Service, LLC ("applicant") with a mailing address of 106 Barkledge Drive, Newington, Connecticut 06111 seeks authorization to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service between all points in Connecticut from a headquarters in the town of Newington.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on February 2, 2016.

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

Aleksander Sherman appeared on behalf of the applicant. The applicant's mailing address is 106 Barkledge Drive, Newington, Connecticut 06111. The applicant was represented by Michael Stone, Esq. with a mailing address of 129 Church Street, Suite 806, New Haven, Connecticut, 06510.

Roman Genov appeared pro se on behalf of Sky Transportation which filed for and was approved intervenor status. His mailing address is 705 N. Mountain Road, Suite E-103, Newington, Connecticut 06111.

Mirza Sadigov appeared pro se on behalf of Peoples Transit which filed for and was granted intervenor status. His mailing address is 42 Jansen Court, West Hartford, Connecticut 06110.

II. FINDING OF FACTS

1. The applicant seeks to operate two (2) vehicles in intrastate livery service from a headquarters in Newington.
2. Mr. Sherman owns two taxicab companies under which he operates one vehicle each.
3. The applicant receives regular requests for livery service from his taxicab customers. Many of the applicant's customers are executives who work in Hartford.

4. Mr. Sherman plans to operate one of the livery vehicles and find a driver for the other vehicle. Mr. Sherman's wife will be doing some of the office work including booking the appointments.

5. The applicant gets approximately four to six requests per day for livery service.

6. The applicant is not interested in performing medical transportation work.

7. Peoples Transit only opposes the applicant if he plans to perform medical transportation work.

8. Jason Chang, Assistant Professor of Asian History at UCONN, is a taxicab customer of the applicant. He and his family use the applicant's service to go to the airport and for visiting family. His livery use would be at least three to four times a year. He understands the differences between taxi service and livery service and is willing to pay more to utilize the applicant's premium car service instead of taking the taxi service. In the past, he has tried to get transportation for visitors from the airport to the college campus and has had difficulty. He will recommend the applicant's livery service for these trips.

9. Svetlana Shelkova uses the applicant's taxi service to and from the airport and train station to her home approximately six times a year. She also wants to utilize the applicant's livery service if he gets authority knowing that it is a more expensive service.

10. The applicant's six month startup costs include insurance costs of \$5,350, maintenance of \$450, office expenses of \$900, advertising of \$600, repairs of \$1,800, legal fees of \$3,000, business cards of \$300 and cell phone costs of \$2,400.

11. The applicant owns two vehicles that can be utilized in the livery service.

12. The applicant has \$19,700 in the bank.

13. The town of Newington does not have a zoning issue with the applicant operating a livery business from his residence at 106 Barkledge Drive in Newington.

III. DEPARTMENT ANALYSIS

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.

Some factors to consider in granting a livery permit are whether the service will benefit the relevant class of users, whether the proposed service is more efficient, more economical, more convenient, more satisfactory, or different than the services offered by the existing service providers, whether the new service would create a potentially beneficial effect upon rates and customer service and whether the acquisition of equipment would be more suitable to customer needs, whether the population in the area that the applicant proposes to service is increasing, whether potential customers have requested a service like that suggested by the applicant and whether the proposed service will improve the existing mode of transportation as recently defined in Steve Martorelli v. Department of Transportation (SC19307).

In support of financial wherewithal, the applicant presented evidence that the applicant's six month startup costs include insurance costs of \$5,350, maintenance of \$450, office expenses of \$900, advertising of \$600, repairs of \$1,800, legal fees of \$3,000, business cards of \$300 and cell phone costs of \$2,400. The applicant owns two vehicles that can be utilized in the livery service and has \$19,700 in the bank. The applicant has the cash on hand to operate the proposed livery service for the six month start up period. The applicant has proven its financial suitability.

The applicant presented two witnesses who are current taxicab users who want to use the applicant for livery service. Each witness testified that they understand it's a premium service which they would be willing to pay more for. The applicant, Mr. Sherman testified about his corporate client base and the fact that these executives would like to be offered a higher end transportation service. He also mentioned having to transport one customer to a funeral in a taxicab. The applicant has shown public convenience and necessity.

With regard to suitability, the applicant provided the requisite criminal conviction history for Aleksander Sherman which shows no criminal convictions. The applicant has operated two taxicab companies for several years and he appears ready to branch out into new transportation areas.

Based on the evidence presented, the applicant has proven the required elements to be granted a livery permit.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of D & I Car Services, LLC is hereby granted and Livery Permit Number 3522 is issued as follows:

LIVERY PERMIT NO. 3522
FOR THE OPERATION OF LIVERY SERVICE

D & I Car Services, LLC is hereby permitted and authorized to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Newington.

RESTRICTIONS:

The applicant must register the two (2) vehicles granted under this decision within thirty (30) days from the date of this final 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 thereunder for not less than twenty-four (24) months.

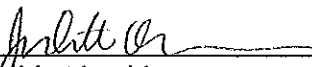
This permit may not be sold or transferred until it has been operation, i.e., a vehicle registered with livery plates thereunder, for not less than twenty-four (24) consecutive months.

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 rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke said permit.

A memorandum of this permit, bearing the seal of the department, shall be conspicuously posted in each motor vehicle operated under this permit.

Dated at Newington, Connecticut on this 19th day of February 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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