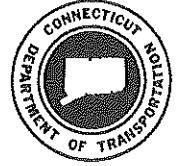




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

DOCKET NUMBER 1604-N-34-L

RE: APPLICATION OF RD RIDE SERVICES, LLC TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN ORANGE.

FINAL DECISION

JUNE 29, 2016

I. INTRODUCTION

A. General

By application filed on April 5, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, RD Ride Services, LLC ("applicant") with a mailing address of 850 Tall Timber Road, Orange, Connecticut 06477 seeks authorization to operate one (1) motor vehicle, 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 Orange.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on June 21, 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

Robert Dest appeared on behalf of the applicant. The applicant was represented by attorney Donald Walsh, Esq. Attorney Walsh's mailing address is 61 Cherry Street, Unit C-2, Orange, Connecticut 06460.

II. FINDINGS OF FACT

1. The applicant received interstate authority from the FMCSA and is currently performing livery trips for Atlantic Limousine.
2. The applicant has not registered his interstate authority with the Connecticut Department of Transportation.
3. The applicant is seeking to operate one (1) motor vehicle in intrastate livery service from a headquarters in Orange.
4. Georgianna Passariello is a commercial property owner in Orange. She supports the applicant because she has used his interstate livery service and would like to be able to use the applicant for intrastate livery service. She had bad experiences with other livery providers in the past being unprofessional and arriving late. The applicant has given her good customer service. She anticipates using the applicant for six to eight trips to the Bradley International Airport annually.
5. William Varsh is a freelance Tech Manager for sporting events. He has used the applicant to go to New York airports and may use the applicant for intrastate trips. He has recommended the

applicant to both his mother and a friend and they both liked the applicant's service.

6. The applicant operates a professional and reliable livery service.
7. The applicant will be operating the proposed business from his residence with a 2012 Chevrolet Equinox SUV that he owns outright.
8. The applicant has \$17,203.42 in a Bank of America account.
9. The applicant's first six months of expenses include \$3,135 for insurance, advertising of \$2,233, maintenance of \$3,175 and road services of \$152 for a total of \$8,876.
10. The applicant typically gets two to three intrastate livery trip requests per week.
11. The applicant's wife will help him in the business.
12. The applicant receives interstate livery work from Hy's Limousine. If the application is granted, Hy's will refer intrastate livery service to the applicant.
13. This application was not opposed.

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).

Regarding public convenience and necessity, the applicant submitted a letter of intent from Hy's Limousine which states that Hy's Limousine will refer intrastate business to the applicant. The applicant also submitted several affidavits from individuals in support of the proposed intrastate livery service. Letters like these are given less weight in the analysis because the signatories are not present to be cross-examined.

The applicant also presented the testimony of two witnesses who have used his interstate livery service. Both clients want to utilize the applicant for local intrastate livery trips. One witness also recommended the applicant to his mother and friend who also use the livery service. The applicant provides good customer service and would benefit both his clients and livery transportation to the general public.

In support of financial wherewithal, the applicant presented evidence that the applicant's first six months of expenses include \$3,135 for insurance, advertising costs of \$2,233, maintenance costs of \$3,175 and road services of \$152 for a total of \$8,876. The applicant has \$17,203 in a Bank of America account which is sufficient to cover these costs.

With regard to suitability, the applicant provided the requisite criminal conviction history for the sole member, Robert Dest which shows no criminal convictions. The applicant has been a professional driver for several years and has operated his own livery service for the past year. He will be able to operate the proposed one car service without difficulty and has proven suitability.

Based on the evidence presented, the applicant has proven the required elements of financial wherewithal, suitability and public convenience and necessity 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 is hereby granted and Livery Permit Number 3539 is issued as follows:

LIVERY PERMIT NO. 3539
FOR THE OPERATION OF LIVERY SERVICE

RD Ride Services, LLC is hereby permitted and authorized to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Orange.

RESTRICTIONS:

The applicant must register the one (1) vehicle granted under this decision within sixty (60) 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.

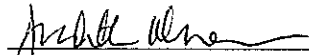
This permit may not be sold or transferred until it has been operation, i.e., a vehicle registered with livery plates thereunder, for not less than twenty-four (24) consecutive months.

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 29th day of June 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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