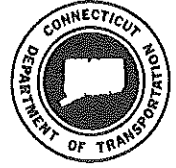


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1604-N-44-L

RE: APPLICATION OF ROSA RIDE, 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 DANBURY.

FINAL DECISION

NOVEMBER 9, 2016

I. INTRODUCTION

A. General

By application filed on April 18, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Rosa Ride, LLC ("applicant") with a mailing address of 18 Montgomery Street, Apt 2B, Danbury, Connecticut 06810 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 Danbury.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on October 18, 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

Rosa Tolentino Reyes appeared pro se on behalf of the applicant. Her mailing address is 18 Montgomery Street, Apt 2B, Danbury, CT 06810.

Laura Lundgren, an interpreter from Interpreters and Translators, Inc., acted as a court certified translator in this matter. The company is located at 263 Main Street, Manchester, CT 06042.

II. FINDING OF FACTS

1. The applicant seeks to operate one (1) motor vehicle in intrastate livery service from a headquarters in Danbury.
2. Ms. Reyes will have help in the office while she drives the one (1) livery vehicle.
3. Ms. Reyes needs to apply for a public service license before driving the livery vehicle.
4. The applicant will be operating a 2015 Honda CRV in the business.
5. Elena Martinez works in a deli in Danbury. Many of her customers are looking for transportation from the deli and the wait can be long. She herself also needs transportation to work and for her family.

6. Ms. Reyes speaks Spanish and wants to help the Spanish speaking population access livery service.

7. Honeida Clime works in a salon and needs transportation services. She would use the applicant's service frequently to go to work and stores.

8. Ramon Bueno also wants to use the applicant's service for transportation to doctor appointments and stores.

9. The applicant' first six months of expenses includes: insurance of \$2,566, maintenance and repairs of \$1,012, property tax of \$554, consulting fees of \$600, vehicle payments of \$3,426, office expenses of \$1,200, communication expenses of \$540, marketing of \$900 and accounting of \$600 for a total of \$11,398.

10. The applicant has \$13,450 in a Webster Bank account.

11. 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 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 defined in Martorelli v. Department of Transportation 316 Conn. 538 (2015).

In support of financial wherewithal the applicant presented evidence the applicant's first six months of expenses includes insurance of \$2,566, maintenance and repairs of \$1,012, property tax of \$554, consulting fees of \$600, vehicle payments of \$3,426, office expenses of \$1,200,

communication of \$540, marketing of \$900 and accounting of \$600 for a total of \$11,398. The applicant has \$13,450 in a Webster bank account which is more than sufficient to cover these costs.

With regard to suitability, the applicant provided the requisite criminal conviction history form for Rosa Tolentino Reyes which failed to disclose any prior criminal history. Based on the evidence presented, the applicant has proven the required suitability to be granted a livery permit.

The applicant must also prove public convenience and necessity. In that regard, she presented three Spanish speaking witnesses who would utilize her livery service. The witnesses had varying transportation needs and the applicant's ability to communicate in Spanish would make taking her service easier for them to access.

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

V. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Rosa Ride, LLC is hereby granted and Livery Permit Number 3565 is issued as follows:

LIVERY PERMIT NO. 3565
FOR THE OPERATION OF LIVERY SERVICE

Rosa Ride, 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 Danbury.

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 applicant must also obtain a public service license before driving the livery vehicle.


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 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 9th day of November 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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