

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-54-L

RE: APPLICATION OF GET N GEAR, LLC TO OPERATE SIX (6) 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 WINDSOR.

FINAL DECISION

SEPTEMBER 22, 2016

## I. INTRODUCTION

### A. General

By application filed on April 29, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Get N Gear, LLC ("applicant") with a mailing address of 360 Bloomfield Avenue, Suite 301, Windsor, Connecticut 06095 seeks authorization to operate six (6) 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 Windsor.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on September 20, 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

Yvonne Jordan appeared pro se on behalf of the applicant. The applicant's mailing address is 360 Bloomfield Avenue, Suite 301, Windsor, Connecticut 06095.

## II. FINDING OF FACTS

1. The applicant seeks to operate six (6) motor vehicles in intrastate livery service from a headquarters in Windsor.
2. The applicant, Ms. Jordan, has been providing age restricted (5 years to 21 years old) school transportation for the Department of Children and Families (hereinafter "DCF") since 2015.
3. The applicant seeks to operate six (6) vehicles to transport students and their families, without an age restriction, to and from therapy and various activities.
4. The applicant has \$112,201 in a bank account at Bank of America.
5. The applicant's first six months of expenses includes rent of \$3,366, insurance of \$18,869, vehicle maintenance of \$4,000 and property tax of \$600.
6. The applicant owns the proposed motor vehicles to be used in the livery service.
7. Ann Adams is the Director of credentialing for DCF. DCF will enter into a contract with the

applicant to operate three (3) motor vehicles to transport children and families.

8. 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 rent of \$3,366, insurance of \$18,869, vehicle maintenance of \$4,000 and property tax of \$600. The applicant owns the proposed motor vehicles to be used in the service. The applicant has \$112,201 in a bank account at Bank of America which is more than enough money to cover the \$26,835 in expenses. The applicant has proven the financial suitability to operate this proposed livery service.

With regard to suitability, the applicant provided the requisite criminal conviction history for Ms. Jordan which shows no convictions. Ms. Jordan has been providing student transport to DCF for the past two years. She has the experience needed to operate a livery service under contract with DCF. 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, the applicant presented Ann Adams from the Department of Children and Families in support of the application. Ms. Adams testified that DSS has the need for three (3) vehicles under contract but not the six (6) general livery vehicles requested by the applicant. The applicant did not present any

other evidence to show the need for general livery service so the application will be granted but restricted to livery service under contract with DCF.

Based on the evidence presented, the applicant has proven the required elements to receive a partial grant of a restricted livery permit under contract with DCF.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Get N Gear, LLC is hereby granted in part and Livery Permit Number 3553 is issued as follows:

**LIVERY PERMIT NO. 3553  
FOR THE OPERATION OF LIVERY SERVICE**

**DURATIONAL LIVERY SERVICE  
UNDER CONTRACT WITH DEPARTMENT OF CHILDREN AND FAMILIES DOCKET  
NO. 1604-N-54-L-GRANTED ON SEPTEMBER 22, 2016**

Get N Gear, LLC is authorized to operate three (3) motor vehicles, having a seating capacity of less than eleven (11) adults, for the provision of transportation for hire by virtue of a contract with the Department of Children and Families from a headquarters in Windsor.

**RESTRICTIONS:**

**The applicant must submit an executed contract with the Department of Children and Families within sixty (60) days of the date of this final decision or the authority contained herein will be automatically revoked. This decision constitutes notice pursuant to Connecticut General Statute Section 4-182.**

The applicant must register and insure all of the motor vehicles granted in this docket within sixty (60) days from the date of this final decision. Any vehicles not registered or insured within the sixty (60) day period will be revoked automatically.

The authority for the three (3) vehicles granted in Docket No. 1604-N-54-L, shall be durational in nature and shall exist only for the period of time that the permit holder has a current and continuing contract in effect for the provision of service with the Department of Children and Families.

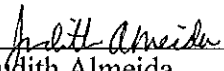
The permit holder shall notify the department of any termination of its contract with the Department of Children and Families or the cessation of the active provision of service thereunder. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicles authorized in this decision, a current, executed copy of the extension of said contract. Failure to file an extension of the contract, or a new executed contract shall void the authority for the vehicles authorized pursuant to this contract.

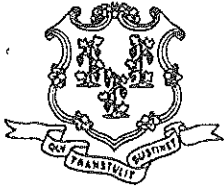
This permit is not transferable and shall remain in effect until revoked by the department or until the contract under which this authority is granted has expired. Failure of the permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or 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 22nd day of September 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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



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Phone:  
**SECRETARY'S RETURN**  
**DOCKET NO. 1604-N-54-L**

I hereby certify that true and correct copies of the Final Decision, dated September 22, 2016, in the above-entitled matter, were forwarded on September 22, 2016.

**COPIES OF THE ABOVE-NOTED DECISION WERE FORWARDED AS FOLLOWS:**

**APPLICANT:**

Ms. Yvonne Jordan  
Get N Gear, LLC.  
360 Bloomfield Avenue, Suite 301  
Windsor, Connecticut 06095

**CERTIFIED MAIL: 91 7199 9991 7033 6862 1589**

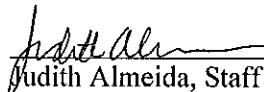
**APPLICANT'S COUNSEL:**

N/A

**OTHER INTERESTED PARTIES:**

N/A

CERTIFIED BY:

  
\_\_\_\_\_  
Judith Almeida, Staff Attorney 3  
Administrative Law Unit  
Bureau of Finance and Administration