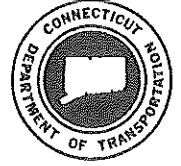


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1701-N-02-L

RE: APPLICATION OF TURBO MEDICAL TRANSPORT, 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 WINDHAM.

DECISION

APRIL 5, 2017

I. INTRODUCTION

A. General

By application filed on January 3, 2017, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Turbo Medical Transport, LLC ("applicant") with a mailing address of 20 Sundale Drive, Windham, Connecticut 06280 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 Windham.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on March 7, 2017 and April 4, 2017.

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

Samuel Rivera appeared pro se on behalf of the applicant. The applicant's address is 20 Sundale Drive, Windham, Connecticut 06280.

Claude Bisson appeared on behalf of Logisticare, Inc. Mr. Bisson's address is 127 Washington Avenue, 5th Floor, North Haven, Connecticut 06473.

D. Wrong Application Filed

Based on the evidence presented, the applicant filed the wrong application in this matter. The applicant should have filed a governmental livery application instead of a general livery application. The application was amended on the record to a governmental livery application.

II. FINDING OF FACTS

1. The applicant seeks to operate one (1) motor vehicle in intrastate livery service from a headquarters in Windham.
2. The applicant is seeking to provide medical transport which is not paid for by the passenger but subsidized from another entity.
3. The applicant does not want to provide general livery service.

4. The applicant filed the wrong application and should have filed an application for governmental livery service.
5. Logisticare is interested in contracting with the applicant to provide medical transport in the Windham area.
6. Mr. Rivera has a public service license and used to transport clients for Eastern Medical.
7. The applicant will utilize a 2007 Nissan Versa in the livery operation.
8. The applicant also provided two witnesses who testified on his behalf. From the testimony given by the witnesses, it could not be determined who would be paying for the medical transport of their clients.
9. The applicant's first six months of expenses include insurance of \$1011, maintenance of \$300, property tax of \$87 and business card costs of \$19 for a total expense of \$ 1,417.
10. The applicant has \$3,194 in Savings Institute Bank & Trust.
11. There was no opposition to this application.

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.

In support of financial wherewithal the applicant presented evidence that the applicant's first six months of expenses include insurance of \$1011, maintenance of \$300, property tax of \$87 and business cards of \$19 for a total expense of \$ 1,417. The applicant has \$3,194 in Savings Institute Bank & Trust which is sufficient to cover these costs making the applicant financially suitable.

With regard to suitability, the applicant provided the requisite criminal conviction history form for Samuel Rivera which disclosed no criminal record. Mr. Rivera has a public service license and prior experience as a livery driver. Based on the evidence presented, the applicant is suitable to operate this one car service.

The applicant must also prove public convenience and necessity with regard to a contract for Logisticare. Claude Bisson from Logisticare supported the applicant and will refer medical transportation to him in the Windham area. Based upon this evidence, the applicant will receive a grant for one (1) vehicle in governmental livery service.

V. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Turbo Medical Transport, LLC is hereby granted and Livery Permit Number 3586 is issued as follows:

LIVERY PERMIT NO. 3586
FOR THE OPERATION OF LIVERY SERVICE

DURATIONAL LIVERY SERVICE
UNDER CONTRACT WITH LOGISTICARE
DOCKET NO. 1701-N-02-L-GRANTED ON APRIL 5, 2017

Turbo Medical Transport, LLC is authorized to operate one (1) motor vehicle, having a seating capacity of eleven (11) adults or less, for the provision of transportation for hire by virtue of a contract with Logisticare from a headquarters in Windham.

RESTRICTIONS:

The applicant must submit an executed contract with Logisticare within ninety (90) 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 the motor vehicle granted in this docket within ninety (90) days from the date of this final decision. Any vehicles not registered or insured within the ninety (90) day period will be revoked automatically.

The authority for the one (1) vehicle granted in Docket No. 1701-N-02-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 Logisticare.

The permit holder shall notify the department of any termination of its contract with Logisticare 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 April 5, 2017.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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