



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1708-N-88-L

RE: APPLICATION OF WRIGHT TRANSPORTATION, INC. TO OPERATE
TWO (2) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF
LESS THAN ELEVEN (11) PASSENGERS, IN GENERAL LIVERY
SERVICE FROM A HEADQUARTERS IN FRANKLIN.

DECISION

FEBRUARY 9, 2018

I. INTRODUCTION

A. APPLICATION

By application filed on August 22, 2017, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Wright Transportation, Inc. (hereinafter "applicant") located at 204 Route 32, North Franklin, Connecticut 06254 seeks authorization to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Franklin.

B. HEARING

Pursuant to Connecticut General Statutes, Section 13b-103, as amended, a public hearing on this application was held on November 14, 2017, January 16, 2018, January 23, 2018 and February 6, 2018.

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 Connecticut General Statutes Section 13b-103, as amended. 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

Gary Wright appeared on behalf of the applicant. The applicant was represented by Attorney Richard Pascal with a mailing address of The Anderson Law Firm Building, 82 Chelsea Harbor Drive, Norwich, CT 06360.

Curtin Motor Livery Service, Inc. headquartered in Norwich filed for and was initially granted intervenor status. Joseph Miller, General Manager, appeared on its behalf. The company was represented by Attorney Matthew Forest with a mailing address of 72 Somerset Street, Wethersfield, CT 06109. After the start of the hearing, Curtin was withdrawn as an intervenor because the company is no longer maintaining a contiguous headquarters in Norwich and is seeking to transfer its headquarters to Waterford.

Curtin Motor Livery Service, Inc. and Yellow Cab Company of New London and Groton, Inc. both headquartered in Waterford were not granted intervenor status in this matter since both of their headquarters are located in Waterford which is not contiguous to the applicant's headquarters in Franklin.

II. FINDINGS OF FACT

1. The applicant is seeking to perform general livery work with two (2) vehicles from a headquarters in Franklin.

2. The applicant currently operates five (5) motor vehicles in governmental livery service for the broker Veyo from a headquarters in Franklin.

3. The applicant will utilize two (2) wheelchair accessible MV1 vans to transport customers. Each vehicle can transport multiple patrons and is bariatric equipped for larger wheelchairs.

4. Jennette Sullivan-Martinez lives at the Pendleton Health Center, a 120 bed nursing facility, in Mystic. She supports the application as a person in need of wheelchair transportation. At Pendleton, the vast majority of residents need wheelchair accessible vans and are unable to transfer into sedan type vehicles. Ms. Sullivan-Martinez uses the applicant's medical livery service and is very pleased with their timely service and kind drivers. She also appreciates the fact that in the applicant's vans, the passengers are forward facing. Ms. Sullivan-Martinez is involved with several organizations as an advocate for the disabled. The residents at Pendleton would be willing to pay for wheelchair accessible livery service to go to entertainment, shopping, dinner or a movie. Although cost of the transportation is a factor, residents would be willing to pool their funds to use this livery service as a group.

5. Mark Makipuro also supports the application. He is a medical livery customer of the applicant and appreciates the applicant's timeliness and caring drivers. He also finds the applicant's vehicles to be sturdy and safe. His experience with two other livery providers was not positive. On one occasion, fumes came into the passenger compartment and he had to deal with reckless and/or late drivers. He would like to use the applicant's livery service to take trips to restaurants, movies or to visit friends and family.

6. Danielle Larkin handles scheduling and dispatching for the applicant. She receives three (3) to four (4) requests per week for private wheelchair accessible livery from both existing patrons and from people who do not currently use their livery service. She also hears from drivers that the medical livery customers are requesting private pay wheelchair accessible livery service.

7. The criminal record check for Gary Wight shows a past conviction. Mr. Wright does have a passenger endorsement to drive livery vehicles. Jason Kenny, the other officer, has no criminal record.

8. The applicant's six months of operating expenses includes insurance of \$2,619, property tax of \$3,500, notes payable of \$12,888, legal fees of \$1,000 and maintenance and repairs of \$600 for a total expense of \$20,607.

9. The applicant currently has \$38,859 cash in Chase bank.

10. The applicant has a contract to participate in the Northeastern Senior Transportation program (hereinafter "NEST") which provides vouchers to seniors over age 60 for livery transportation. The voucher program subsidizes half of the applicant's tariff rate.

11. Kevin Curtis uses the applicant for medical livery transportation. He finds Wright Transportation to be reliable, safety conscious, prompt and respectful. He would use the applicant for general livery service if the cost wasn't too high. At the current time, he has friends and family transport him when needed.

12. Kevin Ward is a Wright Transportation medical livery user. He has found Wright Transportation to be reliable. He is reluctant to use a general livery service because of the high cost.

13. The applicant's main service area is New London and Windham counties.

14. The applicant's tariff is lower than other providers of wheelchair accessible transportation in the area.

15. The new transportation broker Veyo replaced the former broker Logisticare.

III. DISCUSSION

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).

With regard to the need for the livery service, the applicant presented four witnesses who all had experience using Wright Transportation for medical livery service. The witnesses gave glowing testimony on the safe, reliable and compassionate service that they receive from the applicant. The evidence shows that there is a need for wheelchair livery transportation as shown by the difficulties that some witnesses have faced in getting good quality wheelchair livery transportation in the past.

Since the bulk of the witness testimony concerned use of wheelchair accessible vehicles and the applicant is proposing to use this type of vehicle, any grant of vehicles in this application will be required to be wheelchair accessible.

Several of the witnesses seemed to be concerned with the cost of the general livery service but agree that if they had a reduced rate for the livery service or if they pooled their money the service could be an affordable option for them. In addition, the applicant introduced evidence of the NEST voucher system for seniors over 60, a transportation subsidy, which would allow them to use the applicant's general livery service by providing half of the fare. Having friends and family provide transportation is great if they are available but it should not be the customers only option to getting their transportation needs met. The applicant also has a lower rate in the area for similar wheelchair transportation thereby benefiting the public.

There was also the testimony of Gary Wright and Danielle Larkin who both stated that they get regular requests for intrastate private pay livery service. They have developed a customer base through their medical livery service and these same customers also want to utilize Wright for general livery service. In addition, their drivers also tell them that customers are asking about getting general livery service.

To show financial support, the applicant submitted information that the first six months of expenses includes insurance of \$2,619, property tax of \$3,500, notes payable of \$12,888, legal fees of \$1,000 and maintenance and repairs of \$600 for a total expense of \$20,607. The applicant currently has \$38,859 cash in Chase bank which is more than sufficient to cover these initial costs.

Regarding the applicant's suitability, the applicant submitted a criminal record check for both Mr. Wight and Mr. Kenney. Mr. Kenney has no convictions. Mr. Wright does have a past conviction but retains a public service license so the conviction is not relevant. The applicant is currently in the livery business and has the necessary suitability to receive a grant of this application.

Based on the evidence presented, the applicant has proven the necessary suitability, financial ability and public need to be granted the additional two (2) livery permits.

IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application is hereby granted and Livery Permit Number 3505 is hereby reissued as follows:

LIVERY PERMIT NUMBER 3505

Wright Transportation, Inc. is hereby permitted to operate **two (2) WHEELCHAIR ACCESSIBLE** motor vehicles, having a seating capacity of less than eleven passengers, in general livery service from a headquarters in Franklin.

RESTRICTIONS:

The applicant must register the two (2) vehicles granted under this decision within sixty (60) days from the date of this 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 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.

**DURATIONAL LIVERY SERVICE UNDER CONTRACT WITH VEYO
DECISION GRANTED OCTOBER 21, 2015 IN DOCKET NUMBER 1502-NGOV-13-L**

Wright Transportation, Inc. is authorized to operate **five (5) WHEELCHAIR ACCESSIBLE** 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 Veyo from a headquarters in Franklin.

RESTRICTIONS:

The five (5) vehicles granted under Docket Number 1502-NGOV-13-L must be wheelchair accessible. The applicant must register and insure all of the motor vehicles granted in 1502-NGOV-13-L within sixty (60) days from the date of that final decision. Any vehicles not registered or insured within the sixty (60) day period will be revoked automatically.

The applicant must submit an executed contract or extension letter with Veyo within ninety (90) days of the date of this final decision or the authority contained herein will be automatically revoked.

The authority for the five (5) vehicles granted in Docket No. 1502-NGOV-13-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 Veyo.

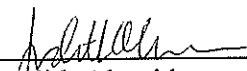
The permit holder shall notify the department of any termination of its contract with Veyo or the cessation of the active provision of service thereunder. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicles authorized in this 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 February 9, 2018.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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