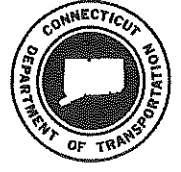


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1804-TH-48-L

RE: APPLICATION OF HY'S LIVERY SERVICE, INC TO TRANSFER SEVENTEEN MOTOR VEHICLES IN LIVERY SERVICE FROM A HEADQUARTERS IN WINDSOR TO A HEADQUARTERS IN NEW BRITAIN.

DECISION

JULY 19, 2018

I. INTRODUCTION

A. APPLICATION

By application filed on April 5, 2018, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Hy's Livery Service, Inc. (hereinafter "applicant") with a mailing address of 480 Island Avenue, West Haven, Connecticut 06516 seeks authorization to transfer its livery headquarters in Windsor to New Britain.

B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on July 12, 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

Robert Levine appeared on behalf of the applicant. The applicant was represented by Attorney James Graham and Attorney James Brownstein of Neubert, Pepe & Monteith, PC. Their mailing address is 195 Church Street, 13th floor, New Haven, CT 06510.

Suburban Transportation, Inc. dba Valley Cab (hereinafter "Suburban Transportation") petitioned for and was granted intervenor status. Abdul Abbas appeared on behalf of the company which was represented by Attorney Michael Stone with a mailing address of 129 Church Street, Suite 806, New Haven, CT 06510.

II. FINDINGS OF FACT

1. The applicant has recently purchased seventeen (17) livery plates from Beverly Hills Limo which is headquartered in Windsor.

2. The applicant seeks to transfer its newly acquired authority to New Britain and operate out of an existing facility it owns there.

3. Most of the clients being served by the Windsor headquarters are corporate clients whose offices are located in the Hartford area or south of Hartford

4. Moving the applicant's headquarters to New Britain will save money for the applicant by removing a duplication of services.

5. The public will benefit from the headquarters transfer by receiving faster service from the applicant.

6. There is no harm to the intervenor, Suburban Transportation, in transferring the headquarters from Windsor to New Britain.

7. The applicant is having trouble getting qualified employees to work in Windsor.

8. The applicant's corporate clients include Mass Mutual, Cigna and ESPN.

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.

Applications for a transfer of headquarters are granted without hearing unless there is an objection filed by another livery company. In this case, there was an objection filed by Suburban Transportation. After reviewing all of the evidence presented, the application for the headquarters transfer from Windsor to New Britain will be granted.

The applicant, Hy's Livery Service, Inc., purchased an existing livery company, Beverly Hills Limo, located in Windsor in several months ago. Seventeen (17) permits were active and transferred to Hy's authority as a result of the sale. It is Hy's intention to move these permits to its New Britain headquarters for several reasons.

The three principals of the applicant, Mr Levine, his wife and his son, have each submitted clean criminal record checks. Hy's has been in business for many years and has not had a problem which would impact the headquarters transfer.

In analyzing the transfer it is important to note that these seventeen (17) vehicles were active in the Hartford area long before the applicant purchased the permits so no new vehicles are coming into play. There is no disadvantage to the customers of Beverly Hills or of Hy's Livery to have the headquarters transfer made. If anything, it may result in quicker response time by the applicant as most of their corporate clients are located in Hartford and south of Hartford, closer to the New Britain operation.

In addition, it makes financial sense to make the transfer in that the Windsor facility is a complete duplication of effort and is costing Hy's money for nothing since they can easily incorporate these plates into their New Britain operation. Since these plates are active now, there is

no additional cost to Hy's to move the vehicles to New Britain. The move will in fact save the applicant money. The company is in sound financial shape which is reflected in the financial documents submitted to the department.

The intervenor, Suburban Transportation, claims that moving the headquarters from Windsor to New Britain will hurt its business. That doesn't seem likely since most of the vehicles are being used by corporate clients who are already customers of Beverly Hills or Hy's service. There are very few retail customers being serviced by these vehicles and the applicant is not actively seeking these customers. These vehicles are already being used in the Hartford area so there is no effective difference to the intervenor by moving the applicant's headquarters.

Based on the evidence presented, this application for a transfer of Hy's Windsor livery headquarters to New Britain is hereby granted.

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 1594 is hereby reissued as follows:

LIVERY PERMIT NUMBER 1594

Hy's Livery Service, Inc. is hereby permitted and authorized, in accordance with and under the provisions of the Connecticut General Statutes to operate the following:

1. Thirty-five (35) motor vehicles, each having a passenger seating capacity of less than eleven (11) passengers, one (1) of which must be a luxury stretch type vehicle, in general livery service to all points in Connecticut from a headquarters in West Haven.
2. Eleven (11) motor vehicles, each having a passenger seating capacity of less than eleven (11) passengers, in livery service to be exclusively used for funerals and weddings to all points in Connecticut from a headquarters in West Haven.
3. Fourteen (14) motor vehicles, each having a seating capacity of less than eleven (11) passengers, in general livery service to all points in Connecticut from a headquarters in New Britain.
4. Seven (7) motor vehicles, each having a seating capacity of less than eleven (11) passengers, in general livery service to all points in Connecticut from a headquarters in Greenwich.
5. Sixteen (16) motor vehicles, each having a seating capacity of less than eleven (11) passengers, in general livery service to all points in Connecticut from a headquarters in New Britain.
6. One (1) motor bus type vehicle, having a passenger seating capacity of not less than eleven (11)

or not more than fourteen (14) adults, in general livery service to all points in Connecticut from a headquarters in New Britain.

In addition, Hy's Livery Service, Inc. is permitted and authorized to operate motor vehicles as a common carrier of passengers, in charter and special operations, in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate Number MC-136740-C.

RESTRICTIONS:

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 from the date of this decision.

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 July 19, 2018.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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