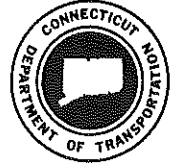




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 2111-N-103-L

RE: APPLICATION OF BE DRIVEN LLC TO OPERATE ONE (1)
GENERAL LIVERY VEHICLE, WITH A SEATING CAPACITY OF
LESS THAN ELEVEN PASSENGERS, FROM A HEADQUARTERS IN
NEWTOWN.

DECISION

JANUARY 18, 2022

I. INTRODUCTION

A. APPLICATION

By application filed on November 23, 2022, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Be Driven LLC (hereinafter "applicant") with a mailing address of 30 Bradley Lane, Sandy Hook, Connecticut 06482 seeks authorization to operate one (1) additional motor vehicle, having a seating capacity of less than eleven (11) passengers, in general livery service from a headquarters in Newtown. The applicant currently has authority to operate two (2) vehicles in livery service for the elderly and handicapped.

B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing by telephone was held on this application on January 11, 2022.

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

Margaret Valentine appeared pro se on behalf of the applicant. The applicant's mailing address is 30 Bradley Lane, Newtown, Connecticut 06482.

II. FINDINGS OF FACT

1. The applicant seeks to operate one (1) motor vehicle in general livery service from a headquarters in Newtown.
2. The applicant is currently operating two (2) wheelchair accessible vans restricted to transporting elderly and handicapped persons in livery service.
3. The applicant proposes to operate a 2019 Dodge Caravan which is wheelchair accessible.
4. The applicant has been in the livery business for approximately four (4) years.

5. The applicant's first six months of expenses includes insurance costs of \$6,000, maintenance costs of \$1,800, property tax of \$756 and vehicle financing costs of \$4,624.

6. The applicant has \$28,172 in a business bank account.

7. Ms. Valentine and her nephew are driving two vehicles in livery service. Drivers have been interviewed and an additional driver will be hired for this proposed vehicle.

8. The applicant anticipates driving ambulatory people with walkers in addition to handicapped individuals in the third vehicle.

9. The applicant will be operating out of her house. There are no zoning issues operating a home office in this residence.

10. The applicant refuses three (3) to four (4) livery trip requests daily due to lack of a vehicle.

11. The applicant will get customers by word of mouth and by circulating flyers.

12. This application was not opposed.

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.

Regarding the applicant's suitability, the applicant submitted a criminal record check for the only member, Margaret Valentine, which disclosed no criminal record. Ms. Valentine has experience transporting the public for the past four (4) years in livery service. Based on the evidence

presented, the applicant is suitable to conduct the proposed expansion of her intrastate livery business.

As far as the applicant's financial ability is concerned, the applicant presented evidence that the first six months of expenses includes: insurance costs of \$6,000, maintenance costs of \$1,800, property tax of \$756 and vehicle financing of \$4,624 for a total expense of \$13,180. The applicant has \$ 28,172 in a bank account to cover these startup expenses and is therefore financially suitable.

On the issue of public convenience and necessity, the applicant has a plan to market the company and to use her client contacts to generate business. The applicant has worked for several years in the livery business and has developed a good size customer base. Based on the evidence presented, the applicant will receive additional authorization for intrastate livery transportation.

IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application in the name of Be Driven LLC is hereby granted, and Livery Permit Number 3590 is hereby reissued as follows:

LIVERY PERMIT NUMBER 3590

Be Driven LLC is authorized to operate one (1) motor vehicle in general livery service, with a seating capacity of less than eleven passengers, from a headquarters in Newtown.

Be Driven LLC is authorized to operate two (2) motor vehicles, with a seating capacity of less than eleven passengers, in elderly and handicapped livery service from a headquarters in Newtown.

RESTRICTIONS:

The applicant must register and insure the one (1) general livery vehicle granted in this decision within ninety (90) days. Failure to do so may result in revocation of the general livery authority.

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.

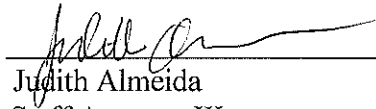
This permit shall remain in effect until it is amended, suspended or revoked by the department. Failure of the permit holder to maintain proper insurance and/or comply with all

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 the 18th day of January 2022.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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