



Transportation Committee

Re Proposed bill # 6031 An Act concerning the operation of a motor bus, taxicab, motor vehicle in livery service or motor vehicle in the transportation of household goods.

Dear members of the Transportation committee,

I am here today to speak in opposition to proposed bill #6031

I feel this bill would be detrimental to the public for the following reasons.

- The current application process insures that an operator has the financial capacity beyond just the purchase of an automobile so that the state can evaluate their ability to not only to purchase equipment, but to also have enough operating capital to properly insure , and maintain the vehicle thus providing a safe service to CT residents.
- Fitness of an applicant is also scrutinized to insure that owners of such companies do not have felony backgrounds which again would work to protect the CT. consumers.
- The certificate of public convenience is in place to insure that a territory is not overloaded with operators thus creating a business climate so fierce that providers will not be able to maintain the required operating margins to keep safe vehicles on the road. It also insures that rural communities can be serviced by operators licensed to operate out of these communities.
- The current application process also requires an operator to maintain a minimum of \$1.5 million in liability coverage.
- Currently CT. has over 600 companies licensed by the department of transportation to provide these vital services to our communities, and these companies employ between 10 – 100 CT residents in this field. This bill could have a major impact on these jobs.
- In 2005 congress attempted to do the same thing eliminating the need to obtain operating authority, and in 2008 they reversed this position which once again reinstated the need for companies to obtain operating authority from the Federal DOT. We should learn from mistakes of the past and not make the same mistakes again. A copy of a correspondence sent by Edward Brickner of the US DOT to The CT DOT is attached.
- The state has already spent a lot of time and money on a legislative review conducted in 2008 by Miriam Klugger, Principal Analyst of the Legislative Program Review and Investigation Committee, who supported continuing the public convenience and necessity requirement. It should also be noted that in states or municipalities that opt for deregulation will quite often end up reregulating after the fall out.

Respectfully submitted

Mark DiChiara

President Gateway Limousines

Board of director of The New England Livery Association

For many years prior to 2005 carriers with vehicles providing passenger transportation were required to obtain operating authority from the USDOT regardless of the size of the vehicle.

In 2005 Congress passed Public Law 109-59 (page 1747) which modified the definition for Motor Carrier in 49 USC §13102 from:

- ... person providing motor vehicle transportation for compensation.
- to:
- ... person providing commercial motor vehicle transportation for compensation.

This change removed the requirement for carriers to obtain operating authority operating if they used vehicles designed to transport less than 8 passengers.

In 2008 Congress passed Public Law 110-244 (page 1620) which modified the definition for Motor Carrier in 49 USC §13102 from:

- ... person providing commercial motor vehicle transportation for compensation.
- to:
- ... person providing motor vehicle transportation for compensation.

This change required passenger carriers once again to obtain operating authority from the USDOT regardless of the size of the vehicle.

In 49 USC §13902(a)(1) it states generally that motor carriers operating in interstate commerce must obtain operating authority.

Motor vehicle is defined in 49 USC §13102(16) as a vehicle or machine propelled by mechanical power and used on a highway in transportation.

The bottom line regarding our recent conversation is that any passenger carrier who uses any size motor vehicle to transport passengers in interstate commerce is required to obtain operating authority from FMCSA. Please don't hesitate to contact me if you want to discuss this further.