

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION**

Minutes of

July 24, 2007

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Courthouse. The Commissioners present were Vice Chair Helen Rogers, and Commissioners Duane McGray, Kim Thompson, and Tom Turner (4). Also attending were Metro Legal advisor Jon Michael; Commission staff members Milton Bowling, Walter Lawhorn and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

Vice Chair Helen Rogers called the meeting to order and led the Pledge of Allegiance. She read the Notice of Appeal statement, advising of the right to appeal decisions of the Transportation Licensing Commission.

The minutes of the June 26, 2007 meeting were unanimously approved.

EMERGENCY WRECKER SERVICE ZONES MAP

Vice Chair Helen Rogers noted that the Commission had received three requests for zone boundary changes, and had agreed at the June annual wrecker hearing to review the requests and responses submitted by the affected zone operators and to make a decision on any boundary changes at this meeting.

Bailey's Wrecker Service: Randy Bailey appeared before the Commission. He stated that there had been many changes in the wrecker companies, but no changes to the boundaries for many years. He stated that the boundary lines were sometimes confusing, and he presented two proposals for Commission consideration. He explained the current and proposed boundaries; one would use Gallatin Road as the western boundary of his zone, the other would use the railroad tracks between Gallatin Road and Ellington Parkway as the western boundary. **Vice Chair Rogers** stated that the problems of confusion would exist, no matter where the boundary lines were drawn.

Gary Ray, owner of Gary's Wrecker Service, appeared. He stated that his zone would be affected by the Bailey's request, especially by losing calls on Gallatin Road. He stated that his company was serving the zone well, and there would be no reason to reduce his zone.

Brown's Wrecker Service: Gary Brown appeared before the Commission. He stated that his was the only zone with no interstate highway, and asked for consideration. He presented his proposal, to extend the current boundary west, to include the eastern/northbound lanes of Interstate 65. **Commissioner Duane McGray** referred to the proposal submitted, and asked about another section requested in the Lakewood area. Mr. Brown stated that the map had

been changed years ago, and the requested section had been lost to the zone operated by Donelson Wrecker Service.

Mrs. Christine Shelton, owner of Donelson Wrecker Service, appeared. She stated that she did not want to give up the area, noting that the company's zone had been reduced in 1984, losing the Lakewood area to Brown's.

Mr. Darrell Greer, owner of Nashville Towing and Recovery, appeared. He stated that the proposal to split Interstate 65 would take a substantial amount of business from his zone, and could complicate things on the interstate.

Chapman's Wrecker Service: John Graham, owner, appeared before the Commission. He stated that the area he was requesting was currently in A.B. Collier's zone, but was less than four blocks from the Chapman's lot. He argued that he could respond more quickly than A.B. Collier. **Vice Chair Rogers** asked if Chapman's had recently relocated their lot; Mr. Graham responded that it had been there for about thirty years.

David Dunn, manager of A.B. Collier, appeared. He stated that he opposed the proposal. He explained that his company was servicing the zone well, and that the company had someone at their lot twenty four hours a day to respond to calls.

Vice Chair Rogers asked for the Commission to decide on the requests, one at a time.

Commissioner Duane McGray moved to deny the request by Bailey's Wrecker Service. **Commissioner Tom Turner** seconded, and the motion was approved unanimously (3-0).

Commissioner Tom Turner moved to deny the request by Brown's Wrecker Service. **Commissioner Duane McGray** seconded, and the motion was approved unanimously (3-0).

Commissioner Duane McGray moved to deny the request by Chapman's Wrecker Service. **Commissioner Tom Turner** seconded, and the motion was approved unanimously (3-0).

During discussion, Director McQuiston noted that there had been an administrative error when the zone map was reconstructed by the Metro Planning Department in 2004, which had resulted in a change to a section of the boundary between Custom Towing and A. B. Collier. This error, affecting the intersection of Sidco Drive and Harding Place, would be corrected, and did not require Commission action.

Commissioner Tom Turner noted that the presentations and responses by the emergency wrecker zone operators had been conducted in an especially civil manner, and thanked the companies for their professionalism, courtesy and cooperation.

TAXICAB DRIVER APPLICATION: BRYANT M. RAINES, JR.

Bryant M. Raines, Jr. appeared before the Commission. **Vice Chair Helen Rogers** noted that Mr. Raines had filed an application for a taxi driver permit. She asked Mr. Raines why he had failed to disclose all of his convictions. He responded that he did not remember them at the time, but that he had later obtained a copy of his court record to discover what the court

records showed. He explained that he had a single felony on his record, and one other misdemeanor. He stated that all other charges had been expunged, and that he had reformed. **Vice Chair Rogers** asked what he had done to change. Mr. Raines explained that he had a family, had learned to control his temper, and was more mature now. **Vice Chair Rogers** asked if he had been to an anger management program. Mr. Raines stated that he had, and was also involved in AA. **Vice Chair Rogers** asked how long it had been since he had attended AA; he replied it had been about three weeks, because he had been working a number of part-time jobs. He stated that he was planning on driving for Yellow Cab.

Yellow Cab President Doug Trimble stated that Mr. Raines had had a temporary permit and had driven for Yellow Cab for two months before his background check came back. He stated that there had been no problems with Mr. Raines during that period.

Commissioner Tom Turner asked Mr. Raines to confirm if all the other charges listed were being expunged. Mr. Raines responded that they were, and produced court records as evidence.

Director McQuiston explained the background check process, and noted that the TBI/FBI report had listed some probation violations; because these were probation violations related to a felony conviction, he understood that these probation violations were also felonies. Because two felonies in the past ten years would automatically make an applicant ineligible for a permit, the record had been referred to the Commission. The director noted that the documents Mr. Raines provided appeared to clear that issue, but he pointed out that Mr. Raines' record still revealed one felony assault conviction and one misdemeanor assault conviction.

Commissioner Duane McGray expressed concern about his driving record. Mr. Raines stated that, because he had been incarcerated, he had had to clear up his tickets after he got out of jail. **Commissioner McGray** noted that the driving record included two speeding tickets in 2006, after he had been out of jail. He added that an attorney could have satisfied the traffic citations during Mr. Raines' incarceration.

Vice Chair Rogers noted that the record also included a domestic violence charge. Mr. Raines responded that he was not the party charged, but had only been a witness; he had filed an order of protection against the person who was charged.

Commissioner Turner moved to approve a renewable temporary permit for ninety days, restricted to Yellow Cab. The permit could be renewed three times, for a total period of one year, subject to a positive report on Mr. Raines' behavior by Yellow Cab and a review by the Commission staff. **Commissioner Kim Thompson** seconded. **Commissioner McGray** stated that he would vote in favor, but had some concerns about Mr. Raines' level of responsibility. The motion passed (3-0).

PUBLIC HEARING: TAXICAB DISPATCHING REQUIREMENTS

Director McQuiston stated that the purpose of the public hearing was to review current ordinance and Commission Rules requirements related to dispatching. He noted that there had been a number of recent changes within the industry, especially in technology, that could

have an effect on how companies were able to exercise control over their permitted drivers. He reminded Commissioners that the issue of lack of company control over dispatchers and drivers had been a finding of the Commission at the May show cause hearing for United Cab, and he noted that some companies were now bringing in expensive technologies for dispatching. He cited Taxi USA of Tennessee's fielding of a Blackberry-based communications system and call center in Salt Lake city for dispatching; United Cab's promise to field a digital dispatch system when it received forty permits in November 2004, a system which was not in use; Diamond Cab's lack of radios and exclusive use of cell phones for dispatching from the owner's vehicle; and Checker Cab's current consideration of a digital dispatch system. The director stated that it was appropriate to review the current ordinance and Commission Rules to determine if any changes were necessary to prevent them from becoming obsolete, and to ensure that companies would be able to control their dispatchers and permitted vehicles and drivers. He stated that the purpose of the hearing was primarily to allow each company to present information on its current or planned dispatch/control operations, and that any changes would not be considered until a later hearing.

Taxi USA of Tennessee: Jim Church appeared with members of the company's management team. He provided information to the Commissioners, and explained that the Blackberries used in the company's taxicabs for dispatching were essentially a text messaging system. He stated that the call center in Utah acted as a computerized dispatching site, and that the Blackberries were equipped with GPS to enable offers for fares to be directed to the closest taxicabs; it also enabled the company to have computer records of the activities of each cab. He stated that the system also incorporated standardized messages, including a call for help. He added that the company retained two-way voice radios in the vehicles. He stated that the company did not keep the local office open twenty-four hours a day, but that there was always someone on call to respond in case of emergencies. **Commissioner Duane McGray** noted that the company had radios, but these were not being monitored twenty-four hours per day, and expressed his concern that this might slow response in case of emergencies; Mr. Church stated that the call center could be reached, and could ensure response. **Commissioner McGray** asked if safety was not a problem, if drivers had to look at their text messages while driving; Mr. Church responded that the Blackberries would not accept calls if the meter was activated and the vehicle was moving. If it was a message that did not involve a fare, then the Blackberry would beep three times, alerting the driver to pull over to receive the message. He stated that the messages were all written, not voice. Inspector Lawhorn asked how the system worked for a flat fare trip; the response was that there was a standardized message that would notify the call center that the taxi was on a flat fare trip. Inspector Lawhorn asked how the company reacted if no one took a call. Mr. Church stated that the call center responded to the customer that no cabs were available. If a dispatched cab was late or was not moving in the direction of the fare, the dispatcher would be able to identify it, and ask why it had failed to respond. **Commissioner McGray** asked why the call center was in Utah. Mr. Church responded that there were a number of other companies using the system, and the programmers and equipment were centralized there; but that there was a team of call center personnel there dedicated to supporting the Nashville-based companies. Mr. Church informed Commissioners that Taxi USA would be fielding additional ADA-accessible cabs in the near future.

American Music City Taxi: Johnny White, owner, appeared. He expressed concerns that the Commission might mandate technology change. Director McQuiston replied that the

intent of the Commission was not to force companies to introduce new technologies, but to determine if the current systems were working; if new technologies are being introduced, then the Commission would want to ensure that the ordinance and Rules would be appropriate and enforceable. Mr. White commented that there were companies already in violation of longstanding requirements, specifically citing the lack of radios and dispatch service in Diamond Cab. He expressed concern about the safety of a text messaging device. **Vice Chair Helen Rogers** stated that the Commission wanted to ensure that the Commission had an opportunity to deal with emerging technologies.

Diamond Taxi: No representative of Diamond Taxi appeared.

United Cab: Kuldip Singh Mann, general manger, appeared. He cited problems with the digital dispatch technology system purchased by United Cab; these were all related to the unreliability of the communications system. He stated that radios and meters were necessary. He suggested that these issues should be referred to the Commission staff, to meet with the companies to develop recommendations. He stated that the real problem was unregulated competition.

Checker Cab: Girma Ejigu, owner, appeared. He reported that Checker Cab had radios, and was about to introduce a GPS system. He detailed the personnel structure of the company, including twenty-four hour dispatching and management personnel. He briefly described how the proposed digital dispatch system would operate. Director McQuiston asked if the directions to the cabs would be written or verbal; Mr. Ejigu responded that the information would be written. He stated that the company expected to implement the system in August.

Yellow Cab: Doug Trimble, President, appeared. He argued that technology would not replace people. He pointed out that drivers will pick and choose their fares. He also stated that radios were necessary for safety. He opposed any mandating of technology changes, and stated that current requirements should be enforced before looking to add any more.

Inspector Lawhorn cited sections of the ordinance and Rules that require a central place of business for twenty-four hour dispatch operations and two-way radios, and noted that Diamond Taxi had been out of compliance on these for a long time.

Commissioner Tom Turner moved to require Diamond Taxi to appear for a hearing, to show cause as to why the company should continue to hold a certificate. **Commissioner McGray** seconded, and the motion passed (3-0).

The following drivers appeared:

Brian Ketterman, driver for United Cab, complained about the lack of responsiveness of the call center when he had been a driver for Taxi USA of Tennessee. He noted that tourists would not know the street address of their destinations, which is a requirement for the call center used by Taxi USA. He stated that the cell phone was necessary for repeat customers, but that a radio was needed for driver safety.

Ahmed Ibrahim, driver for Taxi USA, cited benefits of the company's system: prearranged calls already available when a driver checks into service; convenience to check into a zone or move to another zone; ability to see how many other drivers are in a zone; equal

opportunities for dispatch calls; faster response to customers; ability to verify when the passenger is picked up or dropped off; and one-button alert for emergencies that also identifies the vehicle's location. **Commissioner McGray** stated that a one-button emergency button was a problem, because a police officer responding to such a call would not know what to expect, and this could place the officer at risk. Taxi USA management responded that the call would go to the call center, and they would ask the driver for information by text message or cell phone before relaying the 911 call to the police. Mr. Ketterman stated that this could be a problem if the driver was moving.

Zenebe Degefa, driver for Taxi USA, stated that he had worked in other cities, and that the system used by Taxi USA was the best he had seen.

Joey Bowker, driver for United Cab, stated that the use of cell phones by drivers had been challenged unsuccessfully many years before; there had been problems with dishonest dispatchers, and cell phones provided a solution. He noted that motorcycle rickshaws were operating downtown, and should be shut down. Director McQuiston explained that this was another example of why an ordinance to regulate other passenger vehicles for hire was necessary.

The public hearing was closed.

OTHER BUSINESS

Director McQuiston informed the Commission and taxicab owners of a bill, BL2007-1557, that would levy a privilege tax of two dollars on every taxi fare departing from the airport. He stated that the bill would probably pass in early August; therefore, the August Commission meeting agenda would likely include a public hearing on revision to Rules related to the flat fare and the airport surcharge.

There was no further business, and the meeting was adjourned.

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Helen S. Rogers
Vice Chair