

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

Minutes of

November 22, 2005

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville General Sessions Judicial Complex in Metro Center. The Commissioners present were Chair Cynthia Odle, Vice Chair Sammye Woods, and Commissioners Ray Dayal and Holly Sharp (4). Also attending were Metro Legal advisor Jason Bergeron; Commission staff members Walter Lawhorn and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Cynthia Odle called the meeting to order and led the Pledge of Allegiance.

The minutes of the October 25, 2005 meeting were unanimously approved.

PUBLIC HEARING: AMENDMENT OF TAXICAB ORDINANCE TO ALLOW RECEIVING/DISCHARGING PASSENGERS AWAY FROM THE CURB

Director McQuiston reported that taxi/passenger access to and from downtown businesses was severely restricted by lack of open curb space and section 6.72.340 of the Taxicab ordinance:

"Drivers of taxicabs shall not receive or discharge passengers upon the roadway, but shall pull to the extreme right-hand side of the road or to the sidewalk and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either side of the roadway in the absence of a sidewalk. Nothing in this section shall be construed to permit the parking of a vehicle at any place where parking is otherwise restricted or prohibited."

He informed Commissioners that efforts during the past year to find a "real estate" solution – to obtain more taxicab stands or passenger loading/unloading zones – had been unsuccessful, because of competition for a limited number of appropriate curb spaces. He recommended amendment of section 6.72.340 of the Taxicab ordinance to read:

"Drivers of taxicabs shall not receive or discharge passengers upon the roadway, but shall pull to the extreme right-hand side of the road or to the sidewalk and there receive or discharge passengers. **As an exception, when access to curb space is blocked by parked vehicles, drivers may pull to the extreme right-hand lane, and stop to expeditiously receive or discharge passengers from the right side of the vehicle.** Nothing in this section shall be construed to permit the parking of a vehicle at any place where parking is otherwise restricted or prohibited."

Chair Cynthia Odle asked if this would allow passengers to hail taxicabs, as was done in most large cities; Director McQuiston responded that it would, but that this amendment should be considered as an initial step in the process. He stated that this amendment would require a review by the Department of Law and might need to be accompanied by amendments to some Traffic and Parking ordinances, in order to retain consistency in the Metro Code.

Chair Odle opened the hearing for public comment. There were no comments, and the public hearing was closed.

Commissioner Ray Dayal stated that the proposed amendment should require taxicab drivers to use emergency flashers when stopping in the roadway to receive or discharge passengers. **Vice Chair Sammye Woods** moved to amend section 6.72.340 of the Taxicab ordinance as proposed, with the addition of appropriate wording that would require the driver to signal intent to stop by using emergency flashers. **Commissioner Holly Sharp** seconded, and the motion was passed unanimously.

ANNUAL PUBLIC HEARING TO CONSIDER APPLICATIONS FOR ADDITIONAL TAXICAB PERMITS:

In opening remarks, **Chair Cynthia Odle** reminded Commissioners of a concern raised at the 2004 annual hearing: that the issuance of additional taxicab permits should be undertaken only after appropriate consideration of population and tourism growth. She also noted that Commission staffing levels had not increased in many years, and expressed concern that the ability of a limited staff to continue providing adequate inspection and enforcement must be considered as a public safety issue in deciding whether more taxicabs should be authorized by the Commission.

Doug Trimble, president of Yellow Cab Metro, Inc., appeared before the Commission. **Chair Cynthia Odle** noted that Yellow Cab had submitted an application for 27 additional permits, and asked if there was any public comment concerning the application. There was none.

Chair Cynthia Odle asked Mr. Trimble about the basis for the request. Mr. Trimble responded that Yellow Cab had not requested additional permits since 1997, and that the demand for service, especially in outlying sections of the county, was exceeding the company's service capacity. **Chair Odle** noted that the need to improve service in outlying areas was not new, and asked what assurances Mr. Trimble could give that increasing permits would result in better service. Mr. Trimble responded that money would be the determining factor; but that an increasing number of apartment complexes and businesses would produce sufficient incentives for independent contractor-drivers. He added that additional cabs would enable the company to divert drivers from adjacent zones, as necessary.

Commissioner Ray Dayal asked if Yellow Cab was planning to make any qualitative technological improvements. Mr. Trimble responded that there were no such plans, but these would be considered when they became financially viable.

Vice Chair Sammye Woods asked if Yellow Cab had made any significant financial investment into improving its business in recent years. She asked how many dispatchers the company maintained. Mr. Trimble responded that the company operated with three dispatchers, but reduced that to two during the 11:00 p.m. – 7:00 a.m. shift.

Commissioner Holly Sharp asked about potential problems with limited Commission staffing. Director McQuiston asked Inspector Lawhorn to comment. Inspector Lawhorn stated that he believed he could handle the 27 additional cabs, but recommended that a moratorium should be imposed following this meeting, until inspection staff could be augmented.

Vice Chair Sammye Woods stated that she could not support increasing the number of permits unless there was an accompanying increase in the number of ADA-accessible taxicabs. **Commissioner Ray Dayal** agreed. Mr. Trimble stated that Yellow Cab would be willing to include 2-3 ADA-accessible taxicabs as part of the requested 27 additional permits.

Commissioner Holly Sharp moved to grant Yellow Cab Metro, Inc. 27 additional permits, contingent upon the company fielding two ADA-accessible taxicabs initially, adding a third ADA-accessible taxicab by December 2006. **Commissioner Ray Dayal** seconded. After receiving input from Johnny White, co-owner of American Music City Taxi, concerning the time it had taken that company to field its ADA-accessible taxicabs, **Vice Chair Sammye Woods** offered a friendly amendment, stipulating that the company should be given ninety days to field the initial two vehicles, and should be required to sustain at least three ADA-accessible taxicabs. **Commissioner Holly Sharp** accepted the friendly amendment and moved to grant Yellow Cab Metro, Inc. 27 additional permits. This approval is conditional, based upon the company adding two ADA-accessible taxicabs within ninety days, adding a third ADA-accessible taxicab by December 2006, and thereafter sustaining that many or more in their fleet; failure to do so will result in revocation of the permits. **Commissioner Ray Dayal** seconded, and the motion was unanimously approved.

REQUEST FOR EXTENSION: UNITED CAB

Mr. Rajbir Singh, co-owner of United Cab, appeared before the Commission to request an extension of the Commission's deadline for United Cab to place its digital dispatch technology into operation. Mr. Singh stated that the company had purchased vehicles, radios, and interim taximeters; relocated and remodeled an appropriate facility to operate effectively with the new system; and had completed all necessary steps with the digital dispatch company to enable fielding the technology by October, when they were advised by the radio shop that they would require a duplex radio/channel system with both voice and data capabilities. This requires² obtaining a license from the FCC. Mr. Singh stated that United Cab had filed for the FCC license, and that it was expected to take approximately 120 days to receive approval. Director McQuiston stated that he had received independent confirmation of this estimate. **Vice Chair Sammye Woods** moved to grant United Cab an extension until the April 2006 Commission meeting to implement the digital dispatch technology. **Commissioner Ray Dayal** seconded, and the motion was unanimously approved.

UPDATE ON CONSOLIDATION: AMERICAN MUSIC CITY TAXI

Chair Cynthia Odle asked Mr. White to provide an update on the consolidation of American Taxi and Music City Taxi, which had been approved by the Commission in June 2004. Mr. White stated that the consolidation was complete, and that all vehicles had been re-painted according to the new American Music City Taxi scheme.

OTHER BUSINESS

Chair Cynthia Odle noted that the next Commission meeting was scheduled for December 27. She asked Director McQuiston if there were any items that would require Commission action in December; he responded that there were none. After discussion with other Commissioners, **Chair Odle** directed that the December 2005 meeting be cancelled.

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

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Cynthia M. Odle
Chair