

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

Minutes of

January 22, 2008

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 Chair Helen Rogers, Vice Chair Duane McGray and Commissioners Jennifer Brundige, Ray Dayal, and Ed Whitmore (5). Also attending were Metro Legal advisor Jon Michael; Commission staff members Walter Lawhorn, Milton Bowling and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

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. She introduced and welcomed new Commissioner Ed Whitmore.

The minutes of the December 18, 2007 meeting were approved.

PUBLIC HEARING: NEW WRECKER RATE FOR USE OF AIR BAGS

Chair Helen Rogers called the public hearing to order, to consider a new rate to be set for the use of air bags by wrecker companies. Director McQuiston explained that the Commission staff was presenting a proposal for the addition of a new maximum rate of \$2500, to be allowed by amendment of the Wrecker and Towing Services ordinance, for the use of air bags, when such use is necessary. He reviewed the likely circumstances when the use of air bags could be necessary, and added that the licensed emergency wrecker services had been informed of the proposal. He noted that the amount was in line with rates allowed by insurance carriers.

There were no members of the public desiring to make a statement.

Vice Chair Duane McGray moved to approve the proposal as part of the wrecker rate increases approved by the Commission at the December 18, 2007 meeting for submission to the Mayor and Metro Council. **Commissioner James Utley** seconded, and the motion was approved (4-0).

PUBLIC HEARING: PROPOSAL FOR ADDITIONAL HYBRID/CNG-FUELED TAXICAB PERMITS

Chair Helen Rogers called the public hearing to order, to consider a request from the owners of Nashville Transportation, Inc. dba Checker Cab to establish a program to offer an incentive to companies and owner-operators to field hybrid taxicabs or taxicabs with engines converted to operate using compressed natural gas (CNG) instead of gasoline. She noted that the proposal was very similar to the program initiated by the Commission in April 2007 to increase the number of ADA-Accessible Taxicabs, in that it proposed to offer companies an option to secure up to five additional taxicab permits for the exclusive purpose of fielding the alternative-fueled vehicles. Director McQuiston stated that the Commission had introduced

the incentive program for ADA-Accessible Taxicabs, because it had been an expressed goal of the Commission to improve service for people with disabilities. He noted that, by contrast, the Commission to date had not expressed a similar concern related to alternative-fueled vehicles, fuel efficiency standards or other environmental issues. He reminded Commissioners of the discussions related to additional permits at the November 2007 annual taxicab public hearing, and stated that the staff had concerns about the impact of more permits being granted under the proposed program. **Chair Rogers** asked why the Commission would not be concerned about cleaner air. Director McQuiston responded that the Commission had not previously discussed the issue, nor voiced it as an area of concern. He noted that the Commission had received public comment from a number of advocates for adding ADA-Accessible Taxicabs in considering their decision on that incentive program. He added that, while the Commission heretofore had not received indications of customer demand for clean-air taxicabs, this public hearing was intended to allow such support to be heard. **Chair Rogers** asked if there was anyone from the public who wanted to be heard.

Johnny White, co-owner of American Music City Taxi, stated that he was not opposed to alternative-fuel vehicles, as several vehicles in his company were already operating on E-85 fuel. He noted, however, that cities requiring "green" vehicles were also requiring a higher level of fuel efficiency in terms of miles per gallon; and that E-85 was proving to be less cost-effective. He supported further consideration of standards for "green" taxicabs, such as the establishment of goals for the future, but was opposed to this proposal because it could increase the number of permits without clarifying specific standards for "green" taxicabs. He suggested that there might be some tax advantages if the industry purchased "green" vehicles in a collective way, assisted by the Commission.

Doug Trimble, President of Yellow Cab, opposed more permits. He stated that "green" vehicles may be beneficial, but he believed this proposal at this time was primarily an effort to obtain more permits.

Jim Church and Guilford Thornton, representing Taxi USA of Tennessee dba Allied Cab and Nashville Cab, provided a table showing the distribution of taxicab permits among certificate holders since December 2000. Mr. Thornton stated that the company supported "green" vehicles, but that the Commission should be concerned about classifications and potential risks of accepting retrofitted vehicles as "green". He stated that the company would support a closer look at the issue. Mr. Church argued that the Nashville market was already saturated with permits. He added that his parent company was experimenting with a "green" taxicab version in another city, and had already observed the problems with retrofitted vehicles that easily could be switched back to regular gasoline.

Girma Ejigu, co-owner of Nashville Transportation, Inc. dba Checker Cab, stated that, while the incentive program for increasing ADA-Accessible taxicabs had been helpful, most of the permits available under that program would not be used. He stated that the industry should not wait on fielding clean air vehicles until the Commission had to force them to do so. He added that his company was considering a \$24,000 vehicle used in Seattle. **Commissioner Ray Dayal** asked why the company did not consider converting current permits to "green" vehicles. Mr. Ejigu responded that, despite gaining 20 of its requested 50 additional permits in November, Checker Cab still needed additional permits to meet their financial needs. He pointed out that the company had spent a great deal to invest in GPS and other qualitative improvements before applying for more permits.

Mr. Eshetu Yelemwossen, also representing Nashville Transportation, Inc., described the vehicles being used in Seattle.

Vice Chair Duane McGray stated that there appeared to be two separate issues included in the proposal. He noted that the Commission had awarded additional permits in November,

following considerable debate, and despite opposition. He expressed concern that the Commission had already granted the maximum reasonable number of permits. He also pointed out that many clean air technologies were still being tested by the automobile industry, but that the best long-term solutions were not yet evident. **Commissioner Jennifer Brundige** agreed that more information and debate was needed before any decisions could be reached. She recommended the establishment of a process to explore the issue, and moved that consideration be deferred until the taxicab company owners could present an alternative proposal that would address the wider range of issues related to the fielding of "green" taxicabs. **Vice Chair McGray** seconded, and the motion was approved (4-0). **Chair Rogers** asked Director McQuiston to facilitate meetings of the taxicab company owners to develop proposals for future consideration.

DIAMOND TAXI REPORT ON COMPLIANCE

Director McQuiston summarized previous Commission decisions and extensions granted to Diamond Taxi related to the company's noncompliance with requirements to maintain a fixed place of business to dispatch cabs and to maintain two-way radios in all vehicles. He noted that, at the November 27, 2007 Commission meeting, Diamond owner Roy Gillespie had reported the installation of radios in eight of his fifteen permitted taxicabs. Inspector Lawhorn had confirmed this, and that the Diamond Taxi office at 1200 Buchanan Street had a base radio, a telephone, a credit card machine and a fax machine; other than the base radio, the office equipment had not been checked to determine if it was operational. He stated that the Commission had voted to extend the deadline until this January meeting to have the remaining seven radios installed in taxicabs and verified by Inspector Lawhorn.

Mr. Gillespie appeared before the Commission. **Chair Helen Rogers** asked him if his company was in compliance. Mr. Gillespie responded that he had thirteen radios, and was still lacking two because of financial reasons. **Chair Rogers** reminded him that it had been five months since he had first been notified that he was out of compliance. Inspector Lawhorn stated that Mr. Gillespie had informed him before the meeting that he had two of the seven radios installed, and three not yet installed.

Vice Chair Duane McGray noted that the Commission had already granted two extensions, but that only ten of fifteen permitted taxicabs had radios installed. **Commissioner Ray Dayal** asked why the other three radios had not been installed; Mr. Gillespie responded that he had not been able to get them scheduled at the radio shop. Johnny White confirmed that the radio shop had been very busy because of old vehicles being replaced at the end of the year and the additional permits being added at the end of November. **Chair Rogers** asked if the Commission had authority to suspend the permits of the five taxicabs that were out of compliance; Director McQuiston responded that it did. Following discussion, **Commissioner Ed Whitmore** moved to extend the deadline for full compliance another thirty days, and to include a requirement for Diamond Taxi to demonstrate a capability to receive and send fax messages and to receive certified mail from the Commission. If any vehicles were not in compliance at the end of thirty days, then the permits for any noncompliant vehicles would be suspended indefinitely. **Vice Chair McGray** seconded, and the motion passed (4-0).

APPLICATION FOR WRECKER DRIVER PERMIT: CHARLES GODDARD SR.

Mr. Goddard appeared with Amanda Globe, office manager of Freeway Auto Credit. Mr. Goddard explained the circumstances of an assault conviction on his criminal record. Ms. Globe expressed a willingness to be responsible for Mr. Goddard, and stated that the

company did not perform nonconsent tows. **Commissioner Jennifer Brundige** moved to approve a wrecker driver permit, restricted to Freeway Auto Credit. **Commissioner Ray Dayal** seconded, and the motion passed (4-0).

APPLICATION FOR TAXICAB DRIVER PERMIT: SOLLIE PITTMAN

Mr. Pittman appeared with Yellow Cab President Doug Trimble, Rev. Maurice Harris, and Jessie Harris. **Chair Helen Rogers** expressed concern about the history of drug-related convictions on Mr. Pittman's record. Mr. Pittman stated that he had changed, and was no longer using drugs. In response to questions from **Chair Rogers**, Mr. Pittman stated that he had not used drugs since February, 2007 and that he was attending NA and AA meetings at the Jefferson Street Baptist Church. Mr. Trimble requested consideration for a renewable temporary permit, restricted to Yellow Cab, and offered to perform random drug testing. **Vice Chair Duane McGray** noted that Mr. Pittman had not disclosed all of his convictions on his original application, but had later submitted a corrected application; he asked Mr. Pittman to explain why these had not been disclosed earlier. Mr. Pittman stated that he had tried to put his past behind him, and had not understood the gravity of his past actions. Rev. Harris asked that the Commission give Mr. Pittman a chance to prove himself. **Commissioner Ray Dayal** asked Mr. Pittman if he was employed. Mr. Pittman responded that he was currently unemployed, drawing disability. Director McQuiston asked Mr. Pittman whose taxicab he would be operating, if issued a permit; he responded that it would be a vehicle belonging to Rev. Harris.

Vice Chair McGray moved to approve a temporary permit for ninety days, restricted to Yellow Cab, and renewable until the end of the current permit year; on the condition that Yellow Cab perform random drug testing and provide strict oversight, reporting to the Commission on a monthly basis. **Commissioner Ray Dayal** seconded, and the motion passed (4-0).

OTHER BUSINESS

Chair Helen Rogers announced that the Commission would hold a special workshop meeting on February 13. The purpose of this meeting would be to allow open discussion on issues. The meeting would not include action items requiring decisions.

Director McQuiston requested that the Commission reschedule the April meeting, from April 22 to April 29.

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

ATTEST:

Brian E. McQuiston
Director-Executive Secretary

APPROVED:

Helen S. Rogers
Chair