

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

Minutes of

November 27, 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 Duane McGray and Commissioners Jennifer Brundige, Kim Thompson, Tom Turner and James Utley (5). Also attending were Metro Legal advisor Jon Michael; Commission staff members Walter Lawhorn and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

Vice Chair Duane McGray called the meeting to order and led the Pledge of Allegiance. He read the Notice of Appeal statement, advising of the right to appeal decisions of the Transportation Licensing Commission. The minutes of the October 23, 2007 meeting were approved.

DIAMOND TAXI REPORT ON COMPLIANCE

Roy Gillespie, owner of Diamond Taxi, appeared before the Commission. **Vice Chair Duane McGray** reminded Commissioners that Diamond Taxi had appeared for a show cause hearing on September 25, and had been placed on probation for ninety days. He noted that the company had not met an initial deadline of October 23 to come into compliance with requirements related to two-way radios and to maintaining a fixed place of business, and that the Commission had extended the deadline to November 26. He asked Mr. Gillespie if he was in compliance. Mr. Gillespie responded that he had eight taxicabs with radios already installed. Inspector Lawhorn reported that he had conducted a verification inspection on November 19. He stated that Diamond Taxi had eight taxicabs with radios installed, and that the office at 1200 Buchanan Street had a base radio, a fax machine and a credit card machine. **Vice Chair McGray** clarified that the compliance requirement still outstanding was the installation of radios in seven more vehicles. Mr. Gillespie stated that he had ordered the remaining radios on November 19. **Commissioner Jennifer Brundige** asked Mr. Gillespie why he had delayed in placing the order for the remaining radios; he responded that he had paid for the first radios with cash, but had to obtain financing for the remainder. He stated that he expected delivery as early as the following week. Director McQuiston stated that he was concerned about continuing to extend the deadline, but noted that Mr. Gillespie was making an effort to come into compliance as quickly as possible. Following discussion on the schedule for December, **Commissioner James Utley** moved to extend the deadline for full compliance until the January 22 Commission meeting. **Commissioner Tom Turner** seconded, and the motion passed (4-0).

ANNUAL TAXICAB PUBLIC HEARING

Vice Chair Duane McGray noted that there had been no applications received for new Taxicab Certificates of Public Convenience and Necessity; but that two current certificate

holders had applied for additional taxicab permits. He called the public hearing to order.

Nashville Cab: Guilford Thornton, counsel for Taxi USA of Tennessee, introduced President Jim Church, General Manager Josh Toney, and management representatives Nader Hosseinzadeh and Jim Burrow. Mr. Thornton noted that the company had provided a packet of information on the company with their application for 40 additional permits. He stated that the company had made significant investment and improvements in the business, and highlighted reference letters from contract and business clients. Mr. Church added that service to residential customers had also increased dramatically, and referred to a statistical chart in the packet which reflected an increase in the number of customer calls for service, from 3,000 per week in May to over 6,000 per week in mid-October. Discussion followed on the impact of the company's five ADA-Accessible cabs on these statistics. Mr. Thornton suggested that the Commission consider a program for hybrid taxicabs, similar to the pilot program that had been initiated to encourage increases in ADA-Accessible taxicabs.

Checker Cab: Jessica Smith, representing Checker Cab, introduced company owners Girma Ejigu and Mulugeta Abebe, and management representatives Eshetu Yelemwossen and Henry Brand. The company had applied for 50 additional permits. Ms. Smith referred to statistics demonstrating population and tourism growth, and noted that the number of taxicab permits currently issued did not approach a suggested ratio of one permit per one thousand residents. She highlighted the company's commitment to voluntarily increasing the numbers of ADA-Accessible taxicabs and to "Green" vehicles. She stated that the company had fielded a digital dispatch system and GPS technology throughout their fleet, while maintaining radio back-up; and explained the system's unique capability that enabled passengers to swipe credit cards and obtain printed receipts. She explained the hands-free operation of the GPS system in the taxicab, and stated that the system also included an emergency button in each cab, which would forward a call to the police and all other cabs. She noted that the company had already purchased additional GPS systems, which were ready to be installed in taxicabs if additional permits were approved by the Commission. She stated that the company also provided car seats for children. She pointed out that Checker Cab had its own maintenance facility which provided inspection, car detailing and repair services, and 24-hour roadside assistance to its taxicabs, as well as discounted fuel for its drivers. She explained the advantages of the dispatch system, including reservation capabilities which would be augmented by a web-based system currently under development. She added that Checker Cab was locally-owned. She stated that the company had a training program and a unique internal board of drivers. She highlighted the dress code policy, and displayed a summer uniform shirt. She stated that the company was working to establish a school to help drivers and their families. **Vice Chair McGray** asked for clarification of the population figures used in Checker's analysis; Ms. Smith stated that the 2006 population estimate for Davidson County was 607,000. **Vice Chair McGray** noted that, in approving the pilot program for additional ADA-Accessible taxicab permits, the Commission had authorized an additional 35 permits overall. Director McQuiston explained that the one permit per one thousand residents ratio cited by Ms. Smith was a frequently-quoted approximation, but was not standard throughout the country. **Vice Chair McGray** pointed out that, including the potential 35 ADA-Accessible taxicab permits, there were already 559 permits authorized by the Commission; and using Checker Cab's given population estimate, the company's requested 50 additional permits would exceed the 1:1,000 ratio. Ms. Smith responded that she understood that this ratio was not a set standard, and the key arguments for Checker's request were their demonstrated improvements in quality and service. Director McQuiston stated that he was concerned about

using a fixed ratio for permits:population as a benchmark which must be met. He stated that this could leave no flexibility to allow a new company to apply for a Certificate with the minimum number of twenty permits. He also pointed to the problem of unregulated and unlicensed passenger vehicles for hire; he acknowledged that there were large numbers of these vehicles providing transportation services to the population. Inspector Lawhorn also clarified that very few of the permits are filled by company-owned vehicles. Mr. Ejigu asked if the Commission staff could comment on any problems with customer complaints against Checker Cab. Director McQuiston referred to the complaint log for the previous year, and noted that neither Checker Cab nor Nashville Cab had any customer complaints reported to the Commission. **Commissioner Tom Turner** asked if the credit card machines were in all vehicles; Mr. Ejigu responded that they were, and that the company had an additional 50 sets of equipment ready to install in new vehicles. Mr. Abebe stated that the company's permits had not been increased in decades, but that overhead costs continued to increase; for this reason, additional permits were a critical need. **Commissioner James Utley** asked how long it would take to field the number of requested. Mr. Ejigu responded that these could be fielded very quickly. He added that the additional permits were critical to enable the company to meet the needs of customers, especially downtown hotels.

Commissioner Turner asked if Nashville Cab had in-taxi credit card swipe capability. Mr. Church responded that the company had these in all taxicabs.

Vice Chair McGray asked for staff comment. Inspector Lawhorn expressed a concern that companies should grow incrementally through controlled growth, and that the requested increases, if approved, represented a potential for problems with idle drivers until business picked up. Mrs. Steelman noted that there was already a very large load for permitting/licensing. Director McQuiston stated that the Commission had opposed additional permits in 2006, in part because the small Commission staff was unable to absorb a large increase in permits and vehicles; and he noted the addition of Inspector Bowling since that time. He outlined the financial concerns of companies and drivers. Companies needed increased revenues to invest in improvements, in addition to normal increases in costs to maintain current operations; and were dependent on drivers being able to fund these increases by paying a higher weekly lick to the companies. Drivers had to pay for this lick, in addition to increasing costs of equipment, repairs, insurance and fuel. The director stated that, when companies were unable to increase revenues by adding permits, they invariably increased the weekly lick. He noted that drivers were unable to increase rates charged to customers, because these were fixed by law; and Nashville's current rates were already high compared to other cities. He added that the drivers' ability to earn a living was a public safety concern, because of the potential for taxicabs to be used for illegitimate business purposes. The director restated his concerns about Commission staffing levels, but acknowledged that limited growth was possible.

Vice Chair McGray opened the hearing for public comment.

Doug Trimble, President of Yellow Cab, opposed more permits. He stated that there was no public demand for more transportation.

Kuldip Singh, co-owner of United Cab, stated that more permits would result in drivers leaving the legitimate taxi industry to become gypsy cab drivers. He recommended a three-year freeze on permits.

Deleegn Ambaw, driver representing the Nashville Metro Taxi Drivers Alliance, commented on problems with Nashville Cab's Mid-Cumberland and VA contracts as they affect drivers. He stated that the key to improving the taxi industry was to improve the ability of drivers to make a living, and opposed more permits. Responding to a question from **Commissioner Jennifer Brundige**, he explained how much a driver had to earn in order to meet normal operating expenses.

Yaynshet Feleke, driver for Allied Cab, opposed more permits. He noted that a driver must wait four-five hours for an airport fare, and then experience another long wait in line at the limited hotel spaces downtown. He noted that he had to pay \$700 per month in his lick to the company, and \$200 per month for insurance.

Jessie Harris, owner-operator at Yellow Cab, opposed more permits. He stated that he had observed five Checker taxicabs at the bus station that morning, and the wait had been two hours and forty-five minutes. He stated that he worked sixteen hours per day, seven days per week, and urged regulation of motorcycle rickshaws and other unlicensed passenger vehicles.

Maurice Harris, owner-operator at Yellow Cab, stated that he made more money fifteen years ago than he did at the current time, and opposed any more permits.

Sam Toje, owner-operator at Yellow Cab, complained about practices at Nashville Cab and Checker Cab, and opposed more permits.

Ahmed Osman, Yellow Cab driver, supported controlled growth. He stated that he had been a driver for twenty years, and that turnover of drivers was very high, because they were all seeking to find a company where they could make money.

Franklin Ekuaze, driver, opposed more permits. He suggested a freeze on additional permits, and regulation of unlicensed vehicles.

Management representatives from Nashville Cab and Checker Cab commented on their companies' practices, and **Vice Chair McGray** closed the public hearing.

Commissioner Turner moved to approve 15 additional permits for Checker Cab. There was no second, and the motion failed.

Commissioner Utley moved to approve 25 additional permits for Checker Cab. There was no second, and the motion failed.

Commissioner Turner stated that the Commission should allow for growth, including the potential for new Certificates, but stay close to a 1:1,000 ratio of permits:population. He moved to approve 20 additional permits for Checker Cab. **Commissioner Utley** seconded, and the motion passed (3-1).

Commissioner Turner moved to approve 15 additional permits for Nashville Cab. **Commissioner Utley** seconded, and the motion passed (3-1).

OTHER BUSINESS

Director McQuiston provided information on an accident involving a taxicab the previous weekend.

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

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Helen S. Rogers
Chair