

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

Minutes of

January 26, 2010

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 and Commissioners Jennifer Brundige, Mary Griffin, Ed Whitmore and Quenton White (5). Also attending were Metro Legal advisor Corey Harkey; Commission staff members Milton Bowling, Walter Lawhorn and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

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

The minutes of the December 15, 2009 meeting were approved.

PUBLIC HEARING: REVISION OF TAXICAB RULES

Chair Helen Rogers explained the process that the Commission would follow for the public hearing.

Director McQuiston reported that a thorough review of the Commission Rules related to taxicabs had not been undertaken for many years; some rules had become obsolete through changes to the Taxicabs ordinance or state laws, some required updates to reflect current procedures, others needed clarifications, and there were two new rules being proposed by the staff. He added that proposals submitted by one of the taxi companies in 2007 were also being included for consideration in the public hearing.

Chair Helen Rogers asked that all the proposed changes be read, and Director McQuiston presented the following changes and staff recommendations for consideration:

ADMINISTRATION SECTION

8. INTERNET ACCESS

Effective July 1, 2002, all companies operating under the Commission's Certificate of Convenience and Necessity must be able to communicate and be communicated with through the Internet. Each company must have an active e-mail address and the ability to access Internet websites. All changes to the e-mail address must be reported to the Commission staff within 24 hours of the change. In addition, regulated companies must be able to electronically (Internet) file documents with the Commission.

[Taxi USA of TN submitted recommended addition: "Failure to comply with the requirement of Internet access as set forth in these Rules and Procedures may be a ground upon which to suspend or revoke a Certificate of Convenience and

Necessity issued by the Commission. Upon a showing of good cause, a taxi cab company may request a waiver of this requirement from the Commission.”]

The director stated that since the transfer of Diamond Taxi to Taxi USA of TN all taxicab companies had this capability. He recommended against placing a specific sanction in the rule.

10. FINANCIAL STATEMENT DEFINITION

Certified financial statements, when required by the Metropolitan Code of Laws, is defined (by rule) as an audit which is completed by a certified public accountant or a statement of net financial worth totaling \$500,000 accompanied by a review of financial statements describing in detail (including real property and other assets) assets and liabilities prepared by a certified public accountant. **Whenever the Commission requires a certified financial statement, the statement will be submitted within sixty (60) days of the date of certification.**

The director stated that this was a “housekeeping” change, moving the text from Taxicabs Rule 26 to the Administration section, because it reflected existing procedures required for all industries regulated by the Commission. He recommended approval.

11. APPLICATION OR TRANSFER OF ~~PERMITS~~ LICENSE OR CERTIFICATE

When there is an application to transfer ~~permits~~ a license or a certificate from an existing regulated company to another company (individual or corporation), the application must be filed 30 days prior to the Commission meeting. At the Commission meeting, the application will be presented to the Commission for its consideration then automatically deferred to the next meeting. This period will be used for evaluation, consultation and investigation. If the Commission Director deems the situation to be an emergency, a special meeting may be called or the issue added to the current Commission meeting if proper notification has been accomplished. Other companies or individuals wishing to apply must apply 30 days prior to the meeting in which the transfer will be considered.

The director stated that this was a “housekeeping” change, to clarify that it refers to transfers of companies, which were issued certificates of public convenience and necessity or licenses; not transfers of drivers permits or vehicle permits. He noted that vehicle permits could not be transferred, except as part of a company transfer. He recommended approval.

TAXICABS SECTION

2. APPLICANT DISQUALIFICATION

When an applicant for a taxicab driver's permit does not answer all questions on the application and particularly the question relating to convictions, or when the answer to this question is "none" and **a background check** ~~the police report~~ reveals otherwise, then the application is disqualified and shall not be placed on the agenda for a hearing. ~~The Secretary of the Commission is permitted to approve complete taxicab driver applications when the applicant has no police record within the past five (5) years excluding minor traffic violations. All applications approved by the Secretary must be reported at the Commission's next regular meeting.~~

The director stated that this was a "housekeeping" change, reflecting current procedures. He stated that daily police reports were no longer available; and had been replaced by fingerprint-based background checks, criminal court records checks, Department of Safety official driver records, and other sources of arrest/convictions information. He stated that the ordinance was very clear and specific on the eligibility criteria for taxicab driver permits, and that the staff issued hundreds of permits every August and September; as a result the practice of reporting all applications approved by the Director – Secretary had proved to be unnecessary and cumbersome, and had been discontinued in 2001. He added that drivers' files and the data base maintained by the staff were adequate to provide a record. He recommended approval.

~~3. DAILY ARREST REPORTS~~

~~The Secretary of the Commission or the Taxicab Inspector shall receive from the Central Records Office of the Police Department daily arrest reports. Said reports shall be used to determine any arrests or criminal records of present taxicab drivers or those individuals who have applied for a Taxicab Driver Permit, Owner's Permit, or Certificate of Public Convenience and Necessity.~~

The director recommended the deletion of this rule as a "housekeeping" change, reflecting that police reports had been replaced by other sources of arrest/convictions information.

4. PHYSICIAN CERTIFICATES

~~All persons holding permits to drive taxicabs shall, before obtaining a renewal permit, complete and file with the Secretary of the Commission a renewal application form, together with a current Physician's Certificate of Good Health, validated within thirty (30) days of the application. In addition to the requirement to provide a current federal D.O.T. medical card with the application for a driver permit, any driver whose D.O.T. medical card is certified by a medical examiner as qualified for less than two years shall be required to provide a new valid medical card on or prior to its expiration date. Failure to do so may result in suspension of the driver's permit until a new medical card is provided.~~

The director stated this was a proposal for a new Rule on medical cards. He stated that for many years staff had required that the applicant provide a current medical card/physician certification at application and renewal, as required by the ordinance. He stated that if the applicant was in good health, a physician could certify him/her for two years, but in some cases – when the applicant was on medication or had a medical condition that was not disqualifying, but might require follow-up – a physician would certify an applicant for less than two years. The director stated that in the interest of

public safety it was appropriate to “flag” these applicants’ records to ensure that their conditions were being monitored by a physician. He recommended approval.

6. CHANGING FARE RATES

Before any taxicab company may change its fares within the minimum and maximum rates prescribed in the taxicab ordinance, a letter setting out the proposed fares to be charged must be filed and approved by the Transportation Licensing Commission. ~~Rate cards, showing the rates of fare for taxicab service, shall be furnished by the Commission to all taxicab companies who are required to display a rate card in each taxicab that will be visible to the passenger(s).~~

The director recommended approval of this as a “housekeeping” change, noting that the requirement was already in the ordinance.

8. RULES ON CONDITION AND INSPECTION

(a) All cabs when damaged and drivable must be repaired within two (2) weeks of the accident by a licensed mechanic and/or a licensed paint and body shop. In the event that said repairs are not made within the time allotted, the cab shall be removed from service. It shall be made the duty of the taxicab inspectors to determine whether proper repairs have been made, and they shall have the authority to order the removal of a cab from service for noncompliance with this rule or to extend the time for repairs to be made upon a showing of good cause.

(b) All cabs shall be kept in good mechanical condition.

(c) All driver permit cards must be placed on the sun visor of the passenger side visible to all passengers.

(d) An inspection form shall be adopted by the Transportation Licensing Commission to be used by the taxicab inspectors in their inspection of said taxicabs. It shall be mandatory for all taxicabs to be approved for all categories listed thereon.

(e) The following equipment shall be in all new, existing and replacement vehicles:

1. Two-way radios

2. Four-inch identification numbers not to exceed 3 digits and to be placed on each side and rear of the taxicab

3. Toplights

4. Taximeters

The director recommended approval, and that the additional items be included in the equipment required for all taxicabs.

The director stated that Rule 9 and Rule 12 were both related to insurance. He stated that the taxicab ordinance did not require taxicab companies to have liability insurance. He added that the only requirement was for taxicab vehicle owners to have liability insurance; and that the great majority of taxicabs were owned by individuals, not by taxicab companies. He stated that by ordinance companies must “file a taxicab liability insurance agreement with the Transportation Licensing Commission for each taxicab operated under their certificate in an amount set by the Commission.” He provided a copy of the agreement form and noted that the Commission had not set a required amount; therefore the amount defaulted to the State minimum. The director added that taxicab vehicle insurance was expensive, and that most owner-operators insured their vehicles at the State minimum, paying month-by-month. The director stated that this made tracking of vehicle insurance on hundreds of cabs extremely difficult and time-consuming, even if the Commission was provided with certificates of insurance on the

vehicles. He noted that the movement of a taxicab vehicle from one company to another would not be evident unless both companies kept the staff informed by filing the required liability insurance agreements.

In addition to the reporting and tracking issue, the director expressed concern that the amount of vehicle liability insurance coverage was inadequate to protect the public. He stated that requiring taxicab companies to have an umbrella liability insurance policy might provide an appropriate safeguard.

9. LIABILITY INSURANCE

The forms for filing liability insurance agreements shall be furnished to all taxicab companies by the Transportation Licensing Commission.

[Taxi USA of TN submitted recommended addition: "Taxicab companies shall provide to the Commission such evidence of compliance with the insurance requirements set forth in these Rules and Procedures as the Commission may from time to time request. At a minimum, taxi cab companies shall, as a condition for the issuance or maintenance of a permit issued by the Commission, provide a Certificate of Insurance in a form acceptable to the Commission. All such certificates shall be completed to show compliance with the taxi cab company's insurance obligations under these Rules and Procedures. The Commission may also require copies of the declaration page, insurance policy and endorsements thereto. The taxi cab company shall be allowed to block out any confidential or proprietary information contained in its insurance documents before providing copies to the Commission."]

12. INSURANCE COVERAGE

Insurance companies who provide insurance coverage to the owners or operators of taxicabs in the Metropolitan area shall provide proof of such coverage to the Transportation Licensing Commission by filing with the Commission Staff a copy of the insurance policy. In the event that a policy is not available for filing with the Commission Office, a sixty (60) day binder may be filed but the policy must be on file with the Office prior to the expiration date indicated on the binder. **The insurance company must be rated as "very good" or better in the latest edition of Best's Key Rating Guide and be licensed to do business in Tennessee.**

[Taxi USA of TN submitted additional recommendation: "Insurance coverage required by the Rules and Procedures shall include comprehensive automobile liability and property damage insurance covering the taxi cab company's, or its employees, agent's or representative's operation of automobiles. All insurance policies required by these Rules and Procedures shall coverage in the amount of at least \$50,000 for personal injury or death of any one person in any one accident; the total sum of at least \$300,000 for personal injury or death for all persons in any one accident; and the sum of at least \$100,000 covering property damage per occurrence."]

The director stated that the staff recommendation to specify insurance company rating criteria was a step to ensure consistency between the requirements of the Commission and the requirements of the Airport Authority for taxicab insurance. He noted that the Airport already required the company liability umbrella coverage, but that it would be appropriate to address that in an amendment to the ordinance as well. He stated that increasing the amount of coverage required on vehicles was a complex and contentious

issue, and recommended that the Commission defer any decision on insurance coverage until it could be considered as a proposed amendment to the Taxicabs ordinance, and after passage of the proposed ordinance to regulate Other Passenger Vehicles For Hire.

14. TAXIMETERS

In accordance with Metro Code Section 6.72.265, only a company certified by a taximeter manufacturer **and approved by the Transportation Licensing Commission** may perform authorized installation, service and repairs on a taximeter. Said certification shall be on file with the ~~Taxicab~~ Commission. A certificate holder's failure to have installation, service and repairs performed by a **certified** company ~~certified by a taximeter manufacturer~~ may result in having the taxicab removed from service until such time as the installation, service or repairs are made in compliance with this rule. A certificate holder's failure to remove the taxicab from service when ordered to do so may result in suspension or revocation of the certificate.

The director recommended approval as a "housekeeping" change, noting that it would clarify that the Commission must approve any new taximeter operation.

15. SOLICITATION RESTRICTIONS

~~It is a violation of Section 6.72.265 of the Metropolitan Code of Laws for any No~~ **taxicab driver or owner, or taxicab company owner, or holder of Certificate of Public Convenience and Necessity issued by this Commission, or any agent of the aforementioned, to** may offer to pay any person, company or corporation any money or other thing of value for the purpose of soliciting passengers for any taxicab.

The director recommended approval as a "housekeeping" change, reflecting changes in the ordinance since it was adopted.

16. VEHICLE RESTRICTIONS

a. The year model of a vehicle placed in service for the first time as a taxicab shall not be older than five (5) years.

b. Any taxicab, not over five (5) years of age, may be moved from one taxicab company to another, as long as all other requirements are met, including passing reinspection. Any taxicab over five years of age may be moved from one taxicab company to another, as long as the move is completed within ninety (90) days and all other requirements are met, including passing re-inspection.

c. Within seventy-two (72) hours after a taxicab is taken out of service, the owner of the vehicle shall remove all evidence that would mislead the public into believing that said vehicle is still associated with a particular taxicab company. **All equipment removed from the vehicle must be returned to its owner.**

The director stated that this proposal added a requirement that toplights, meters and radios be returned to their owners when a vehicle was removed from service. He noted that it was important to prevent retired or former taxicabs from being mistaken for active cabs. He recommended approval.

~~17. TEMPORARY PERMIT HOLDERS~~

~~Taxicab drivers operating under a temporary permit are required to inform the Transportation Licensing Commission whenever they change taxicab companies. Taxicab companies hiring drivers with temporary permits are also required to notify the Commission of the driver's affiliation with their company. This notification must be made~~

~~within five working days. Failure to do so may result in the revocation of the driver's permit.~~

The director stated that due to the number of temporary permits that had to be suspended after they were issued because applicants did not make complete disclosures, temporary permits – which were optional under the ordinance – were no longer being issued. He recommended approval.

18. HOSPITALITY TRAINING

~~Taxicab driver applicants approved for a new permit who have successfully completed the Taxi Pro School will be credited with receiving ~~attended~~ hospitality training within the current training cycle. ~~, as required by 6.72.165, will be issued a ninety day temporary taxicab driver permit. Upon completion of the training within the ninety day period, the driver may remit the temporary permit for a permanent driver's permit. Any driver who has not completed the required training and properly remitted his temporary permit in exchange for a permanent permit within the ninety day period shall not be permitted to operate a taxicab. Applicants who do not attend within the specified period may reapply for a taxicab driver permit only upon attendance of a hospitality training session and meeting all other conditions required of new taxicab drivers.~~~~

The director recommended approval as a “housekeeping” change, reflecting changes in new driver training and the elimination of temporary permits.

The director stated that there were two proposals for amending Rule 21:

21. MECHANIC/SERVICE CENTERS

Any mechanic or service center ~~desiring to do~~ **performing** taxicab mechanical inspections, as required in Metropolitan Code of Law 6.72.240, will complete and sign an ~~application form~~ provided by the Commission. The ~~application form~~ will require the ~~mechanic applicant to verify~~ **certify that he/she is ASE certified and has their ASE certification and has no financial interest in a taxicab vehicle, taxicab company, or meter installation/repair company. Taxicab vehicle owners will be required to obtain and submit a copy of this form and a safety certificate form detailing the results of the mechanical inspection to the commission.**

The director stated that the commission had not been able to solicit participation by/compile a list of ASE certified mechanics. He explained that the proposed change would enable vehicle owners to select a mechanic or service center, but that the required form would enable the staff to check the qualifications of the mechanics performing inspections. He recommended approval.

[Taxi USA of TN submitted alternative recommendation, as follows:

“21. MECHANIC/SERVICE CENTERS – MAXIMUM VEHICLE AGE AND MILEAGE.

All taxicabs must be maintained or mechanically inspected by an ASE certified mechanic or service center. Any mechanic or service center desiring to do taxicab maintenance or mechanical inspections, as required in Metropolitan Code of Law 6.72.240, will complete and sign an application provided by the Commission. The application will require the applicant to verify their ASE certification and has no financial interest in a taxicab vehicle, taxicab company, or meter installation/repair company. The Director has the authority to approve applications filed by ASE certified mechanics or service centers without placing the application on the Commission's agenda provided all information is supplied

on the application by the applicant. Incomplete applications may be denied or placed on the Commission's agenda for approval at the discretion of the Director. Only the inspections of ASE certified mechanics or service centers whose applications are approved by the Director or the Commission, as the case may be, shall be deemed to meet the requirements of these Rules and Procedures. Failure to obtain an inspection by an approved and ASE certified mechanic or service center shall be deemed a violation of these Rules and Procedures. Irrespective of the foregoing inspection and maintenance requirements, no taxicab permit holder shall utilize any vehicle whose mileage exceeds 250,000 miles or whose vehicle is more than eight (8) years in age.”]

The director noted that this recommendation had been made in 2007. He stated that this proposal amplified the existing rule, effectively placing maximum mileage limits on taxicabs and lowering the vehicle maximum age requirement specified in the ordinance. He concurred with the intent to reduce the maximum vehicle age limit and to establish a maximum mileage limit, but recommended that these be considered at a future public hearing to amend the ordinance.

22. MINIMUM STANDARDS

Minimum standards for certificates and permits that will be considered by the Commission when reviewing applications for additional permits are as follows:

- volume of complaints per annum,
- defined complaint resolution process,
- dispatcher training and accreditation program,
- vehicle self-inspection program,
- **capital** ~~capitol~~ investment per annum (for vehicles, dispatch/communications and office management tools),
- driver training programs,
- driver probation period,
- driver rewards program,
- underserved areas service program,
- special passenger accommodations (disabled, senior citizens).

The director recommended approval as a “housekeeping” change.

~~25. TAXICAB CERTIFICATE IDENTIFICATION~~

~~Each certificate of public convenience and necessity authorized and issued by the Commission will be assigned a unique number by the staff for identification purposes.~~

The director stated that there were only seven taxicab companies, and that the certificates issued each year did not require numbering. He recommended deletion of the rule.

~~26. FINANCIAL STATEMENTS~~

~~Whenever the Commission requires a certified financial statement, the statement will be submitted within sixty (60) days of the date of certification.~~

The director stated that approval of the proposed change to Rule 10 – Financial Statement Definition – in the Administration section would make this rule unnecessary. He recommended approval.

28. BILL OF RIGHTS

The Commission adopts a ~~“Bill of Rights for the Passenger” as well as a~~ “Bill of Rights for the Driver of Taxicabs” which falls within the authority of the Commission. This information will be posted in each taxicab and will be available to passengers upon request.

~~**Taxicab passengers have the right to:**~~

- ~~☞ A professional driver who is licensed and knowledgeable about major routes and destinations in Nashville Davidson County and who knows and obeys all traffic laws and ordinances related to taxicabs,~~
- ~~☞ A professional driver who speaks and understands English and is courteous providing passenger assistance as well as a safe ride,~~
- ~~☞ A quality taxicab which is mechanically free of problems and is clean both in the passenger areas as well as the trunk area,~~
- ~~☞ A smoke free and silent trip,~~
- ~~☞ Direct to the destination and the route to be traveled,~~
- ~~☞ Refuse to tip.~~

Taxicab drivers have the right to:

- ☞ Refuse or discharge any passenger for disorderly or verbally abusive behavior,
- ☞ Refuse any passenger who is involved in any illegal activity,
- ☞ Discharge any passenger who becomes dangerous and causes harm to others,
- ☞ Refuse a fare which could lead the driver into a dangerous situation,
- ☞ Disallow any smoking or drinking in the taxicab,
- ☞ Collect the exact fee as determined from the taximeter or flat-rate fee plan,
- ☞ Know the exact destination of the passenger before embarking on any trip.

The Bills of Rights will be provided by the Commission and shall be displayed in full view of the passenger(s) at all times. ~~Complaints related to non-compliance with either Bill of Rights will be treated as any other violation through normal disciplinary procedures.~~

The director stated that this was a “housekeeping” change, because the Passenger Bill of Rights, added to the ordinance in 2004, had superseded part of this rule. He recommended approval.

~~**30. MEDICAL EXAMINATION**~~

~~Effective January 1, 2001, all new and renewing taxicab permit holders will be required to obtain a Department of Transportation Medical Card through an examination by a qualified physician and provide examination findings to the Commission, pursuant to Metropolitan Code of Law 6.72.100.~~

The director stated that this was a “housekeeping” change, because the ordinance already required a current medical card. He recommended approval.

~~**31. DRUG/ALCOHOL TESTING**~~

~~Effective January 1, 2001, all new and renewing taxicab permit holders will be required to submit to a Department of Transportation Drug and Alcohol test through a qualified testing facility with test findings directly submitted from the testing facility to the Commission, pursuant to Metropolitan Code of Law 6.72.100.~~

The director stated that this was a “housekeeping” change, because the ordinance already required a current drug test. He recommended approval.

32. CLASSIC AUTOMOBILES

A "Classic Automobile", pursuant to Metropolitan Code of Law 6.72.245, is defined as a vehicle at least 35 years old. The vehicle must be in good working order and in sound physical condition. Further, the vehicle must pass all appropriate mechanical inspections, as well as annual inspections by Commission staff, as well as **meeting the** waiver provisions in Rule ~~2~~ **20**. Classic Automobiles must meet all standards established for taxicabs in Davidson County.

The director recommended approval as a "housekeeping" change, updating the rule to be consistent with changes to the ordinance.

40. AIRPORT SURCHARGE

With the exception of trips to destinations covered by the flat fare, the Commission authorizes an airport departure surcharge of ~~\$1.50~~ **\$4.00** for departures from the Metropolitan Nashville International Airport ground transportation area. This surcharge will be effected by activation of the taximeter at the "For Departures From The Airport Only" rate of \$7.00. ⁷

The director stated that this was a "housekeeping" change, incorporating the privilege tax addition into the airport departure surcharge amount, as previously approved by the Commission. He recommended approval.

41. COMPANY REPORTING AND PAYMENT OF FEES (New Rule proposed by staff)

All taxicab companies will submit current vehicle and driver lists to the commission staff, in a format prescribed by the director, no later than the first of each month. Quarterly decal fees must be paid no later than January 1, April 1, July 1, and October 1 of each year.

The director stated that this rule would incorporate requirements in effect since September 2005 into the Rules. He recommended approval.

42. DRIVER APPEARANCE (New Rule proposed by staff)

Drivers are prohibited from wearing the following as outer garments: T-shirts and other undergarments, tank tops, swimwear, jogging suits, body shirts, shorts, cut-off pants, trunks, sandals, clogs, and other similar attire. Offensive words or symbols on clothing are also prohibited.

The director stated that Section 6.72.415 of the Taxicabs ordinance required that the Commission adopt rules for driver appearance, and that it include at least these specific items. He recommended approval.

43. PERMIT CAP (New Rule proposed by Taxi USA of TN)

The number of taxicab permits in use at any one time shall not exceed a ratio of one permit per one thousand (1:1000) persons living in Davidson County, according to the most recent population estimates and/or census data provided by the United States Census Bureau. The official population estimate used by the Commission shall be the estimate for Davidson County, as such is adjusted by the Census Bureau each year. Notwithstanding the foregoing, the Commission may retain an additional number of permits in reserve for purposes of issuing to new applicants at its discretion, provided the number of additional permits issued to new applicants in any given year shall not exceed five percent (5%) of the

maximum allowable number of permits per the most recent population estimates and/or census data provided by the United States Census Bureau.

The director stated that it was widely held that there were too many taxicab permits, and he noted that the continuing problems with companies unable to meet the ten percent rule were evidence of this. He stated that the Commission had applied a logic similar to the proposal in its November 2007 decision to approve 40 additional permits.

44. OWNERSHIP LIMITATIONS (New Rule proposed by Taxi USA of TN)

No person, partnership, corporate entity, organization or group of affiliated or related persons, entities or organizations may own or control more than fifty percent (50%) of the total number of taxicab permits in use at any one time, irrespective of the number of taxicab companies owned or controlled by such person, partnership, entity or group of affiliated or related persons, entities or organizations.

The director stated that this proposal would prevent any company from attaining a monopoly. He recommended approval.

Chair Rogers invited public comment.

Guilford Thornton, representing Taxi USA of TN, stated that the company's input on Rules 9 and 12, both insurance-related, had been submitted two years before; and that based on conversations with the director the company was in support of the staff's recommendation to defer discussions on any specific recommendations until a later date, when insurance questions could be addressed in a more comprehensive way as an ordinance change. He clarified that the coverage amounts in the company's proposal should read **"at least \$100,000 for personal injury or death of any one person in any one accident; the total sum of at least \$300,000 for personal injury or death for all persons in any one accident; and the sum of at least \$50,000 covering property damage per occurrence"**.

Following persons spoke in opposition to the proposed changes to Rules 9 and 12:

Nathan Spears
Johnny White
Omar Zuber
Emmanuel Akre
Michael Kaiser
Mulugeta Abebe
Godwin Poima
Doug Trimble

Following persons spoke in opposition to the Taxi USA of TN proposal for Rule 21:

Doug Trimble

Following spoke in support of limiting permits, but were not specifically supporting the Taxi USA of TN proposal for new Rule 43:

Michael Kaiser
Mulugeta Abebe

Chair Rogers noted that there were no others wanting to speak concerning Rules 9 and 12, and closed public comment for discussion and motions. **Commissioner Mary Griffin** stated that all insurance issues could be discussed at a later public hearing and moved to disapprove the proposed changes to Rules 9 and 12. **Commissioner Quenton White** seconded, and the motion passed (4-0).

Chair Rogers invited additional public comment on remaining issues.

Jim Church, representing Taxi USA of TN, stated that he wanted to remove the mileage requirement from the company's proposal for Rule 21. **Chair Rogers** clarified that this would change the last sentence to "**Irrespective of the foregoing inspection and maintenance requirements, no taxicab permit holder shall utilize any vehicle more than eight (8) years in age.**" He stated that conditions had changed since the company had submitted their recommendations in 2007; he added that it appeared that other companies had not submitted any recommendations at that time or since. He also expressed concern about the changes to Rules 17 and 18 related to hospitality training. He stated that hospitality training was available for new drivers only once each month. Because new applicants were not allowed to be issued a permit until they completed hospitality training, and could not drive on a temporary permit before the class date, the schedule delayed them in getting a permit and being able to make a living; this was also adversely affecting driver recruitment by the company. **Commissioner Griffin** stated that the Commission had held disciplinary hearings for drivers on ADA-related matters, and that ADA training was part of the hospitality training. Director McQuiston clarified that the Taxi Pro School required for new applicants was a three-day course, and much more comprehensive than the 3-hour hospitality classes previously attended by new drivers. He described the course and added that the course was being subsidized by a Nissan Foundation grant; that cost was a primary factor limiting the number of classes. **Chair Rogers** asked if individuals or companies could make arrangements for or sponsor additional training sessions. Director McQuiston responded that those arrangements might be made with the Tennessee Foreign Language Institute, which ran the Taxi Pro School.

Basel Awwad, member of the Taxi Driver Association, stated that he supported the improved driver training offered by the Taxi Pro School.

Chair Rogers closed the public hearing.

Commissioner Brundige moved to approve the staff's recommendations for Administration Rules 8, 10, and 11. **Commissioner Ed Whitmore** seconded, and the motion passed (4-0).

Commissioner Brundige moved to approve the staff's recommendations for Taxicabs Rules 2, 3, and 4. **Commissioner Whitmore** seconded, and the motion passed (4-0).

Commissioner White moved to approve the staff's recommendations for Taxicabs Rules 6 and 8, with a change to the title of Rule 8 to read **RULES ON CONDITION AND INSPECTION OF VEHICLES**. **Commissioner Brundige** seconded, and the motion passed (4-0).

Commissioner Griffin moved to approve the staff's recommendations for Taxicabs Rules 14, 15, 16 and 17. **Commissioner Brundige** seconded, and the motion passed (4-0).

Commissioner White asked about the mechanical inspections discussed in Rule 21. Inspector Lawhorn stated that there had been a concern for many years that the inspections should be performed by a qualified mechanic with no ties to the company or vehicle owner. Following discussion about ASE certification, **Commissioner White** moved to add wording to the staff's proposal for Rule 18 allowing taxicab companies to negotiate with the Tennessee Foreign Language Institute for additional Taxi Pro sessions, if approved by the Commission; and to approve Rule 18, so modified; and to approve the staff's recommendations for Taxicabs Rules 21, 22, 25 and 26. **Commissioner White** seconded, and the motion passed (4-0).

Commissioner White moved to approve the staff's recommendations for Taxicabs Rules 28, 30, 31 and 32. **Commissioner Brundige** seconded, and the motion passed (4-0).

Chair Rogers reopened the public hearing to allow comment on Rules 40, 41, 42, 43, and 44.

Guilford Thornton, representing Taxi USA of TN, stated that the company had proposed Rule 44 to allay concerns that any company could achieve a monopoly of taxicab permits. He provided Commissioners with a table showing the number of permits available to each company since 2000. He addressed the proposed Rule 43 on permit caps. He requested that the Commission take a position on the maximum number of permits, with the clear understanding that the Commission could change that position at any time in the future. **Commissioner Brundige** stated that it appeared more study was needed to determine an appropriate formula. Director McQuiston responded that few cities used formula approaches. **Chair Rogers** agreed that market forces were preferable to formula approaches. The director stated that the impact of tourism was an important consideration, as was the existing state of the economy in general; but that the existence of large numbers of unregulated passenger vehicles for hire in the county probably impacted more negatively on the health of the taxi industry than other factors. He stated that it was important to eliminate that factor first, in order to make any reasonable judgments about the number of permits needed. He stated that continuing uncertainty about the Commission's intentions – whether to approve more permits - impacted on company decisions about further investment in their businesses. **Commissioner Whitmore** asked how many taxicabs there were at the present time. Director McQuiston stated that because old vehicles were retired from service in January, it was difficult to get a good estimate without the reports and inspections that would begin in February; but he stated that an approximate number would be about 500.

Chair Rogers closed the public hearing.

Commissioner Griffin moved to approve the staff's recommendations for Taxicabs Rules 40, 41 and 42. **Commissioner Brundige** seconded, and the motion passed (4-0).

Commissioner Brundige moved to defer consideration of proposed Rules 43 and 44 until the November 2010 annual taxicabs public hearing. **Commissioner White** seconded, and the motion passed (4-0).

WRECKER COMPANY SHOW CAUSE HEARING: ANCHOR TOWING & RECOVERY

Director McQuiston noted that this was a follow-up meeting to the show cause hearing held on December 15. He reported the following:

- Sometime in 2007 Darrell Greer, owner of Nashville Towing & Recovery (NTR – then an emergency wrecker zone company) sold or otherwise abrogated responsibility for light vehicle towing to “Anchor NTR”, a new and unlicensed company owned by John Stancil. Following hearings in September and October 2008, the Commission allowed former “Anchor NTR”, renamed Anchor Towing & Recovery, to apply for a nonconsent wrecker company license, provided that they had Codes approval for their storage lot. Anchor’s case in applying for that approval included the requirement to get Metro Council approval for re-zoning, so that it could then apply for a Use & Occupancy permit. At the end of October 2008 Codes notified the Commission staff that they had approved Anchor’s request to use their storage lot, provided that the company continue to make progress on obtaining the U&O permit. Based on that report, Anchor Towing & Recovery was issued a nonconsent license. Subsequently, at the May 2009 meeting the Commission approved the company for an emergency wrecker zone license (to take over part of the former NTR zone).
- The October 2008 meeting was the foundation of the new requirement for a Codes U&O permit in order to obtain a license for nonconsent or emergency wrecker services. The results were significant. Many former “nonconsent” general wrecker companies who did not have a U&O permit were no longer allowed to perform nonconsent towing. Many others had to spend thousands of dollars to relocate and/or make substantial improvements to their storage lots in order to receive a final U&O permit; and were unable to obtain a nonconsent license until the work was completed and their permits were obtained.
- In September 2009, it became apparent that the work Mr. Stancil had told the Commission that he would undertake to qualify for the final U&O permit had not been done, even after many months. An inquiry made to the Codes department verified that Anchor still did not have the final U&O permit. As a result of not meeting the Codes requirement, the company’s emergency wrecker service license had not been renewed in December, and Mr. Stancil had been notified that he was to appear for a show cause hearing on December 15.
- Mr. Stancil did not appear for the December 15 hearing, but was represented by Metro Councilman Walter Hunt. The Commission voted 2-1 to give Anchor until January 26, 2010 to have their Final U&O permit.

The director noted that the Final U&O permit had been provided by the Codes department on January 25. He stated that in addition to the U&O permit the storage lot would have to pass inspection by the Commission staff, to ensure that it met additional requirements outlined in the Wrecker ordinance, before a license would be issued.

Owner John Stancil appeared with attorney S. Keenan Carter. Mr. Carter stated that the U&O permit requirement had been met. **Chair Helen Rogers** stated that it was

important that the company communicate with the staff. Director McQuiston stated that the staff had uncovered the fact that "Anchor NTR" was operating without a license in 2008, and that the staff had also had to follow up on the company's U&O permit. He noted that the company had had three managers in the past 12 months, which led to further instability. He stated that as an emergency wrecker company, Anchor was held to a higher standard than it would be if it was a general wrecker company doing consensual towing; and that management cooperation with the Commission and other emergency zone operators was crucial if the emergency wrecker system was going to continue to provide excellent support to the city. **Chair Rogers** noted that the requirement imposed by the Commission at the December meeting had been satisfied by the provision of the Final U&O permit. **Commissioner Quenton White** stated that the emergency wrecker license had been given to Mr. Stancil, and he wanted to hear from the owner. **Commissioner Mary Griffin** added that she also wanted to know why Mr. Stancil had not appeared for his show cause hearing in December.

Mr. Stancil apologized for not appearing. He stated that he had been involved in bringing soldiers back home for Christmas. He explained that the requirements of the various agencies for the U&O permit had been contradictory, and that this caused unnecessary delays. He stated that he was committed to the Commission and the city. **Commissioner Jennifer Brundige** asked what he was doing to gain experience. Mr. Stancil stated that the company had employed a manager with over 30 years of experience; and stated that he had personally gone to the scene of two major incidents. Mr. Carter added that the owner understood that operating an emergency wrecker zone was a privilege, and that things needed to be done correctly.

WRECKER DRIVER PERMIT APPLICATION: ERIC BARRON

Mr. Barron appeared with Allen Mann, owner of Express Towing. **Chair Helen Rogers** noted that his background check had included a reckless driving conviction. Mr. Barron admitted the conviction. He stated that he had been stopped while driving his personal vehicle and had been charged with DUI; the charge had been reduced in court to reckless driving. **Commissioner Mary Griffin** noted that he had made a full disclosure. **Commissioner Quenton White** moved to approve a permit, with a probationary period of six months. **Commissioner Griffin** seconded, and the motion passed (4-0).

UPDATE ON LEGISLATION:

Booting Ordinance: Director McQuiston reported that an application had been received for a booting company license, and would be on the Commission agenda at the February meeting.

Bill to Regulate Other Passenger Vehicles For Hire: The director reported that the new ordinance bill would be filed in May with the FY2011 budget; as a result, implementation was not likely to begin until July, at the earliest.

Amendments to Wrecker Ordinance: The director reported that the bill to amend the wrecker ordinance as approved by the Commission at the October meeting would be considered by the Metro Council in February.

OTHER BUSINESS:

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

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Helen S. Rogers
Chair