

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY**

**TRANSPORTATION LICENSING COMMISSION**

**Minutes**

**April 25, 2013**

The Metropolitan Nashville-Davidson County Transportation Commission (TLC) met in regular session on this date at the Metropolitan Courthouse. Present were Vice Chairman Sal Hernandez, Commissioners Rhonda Marko, Tom Turner, Sam Patel and Pat McNally. (5). Also present were Metro Legal Advisers Theresa Costonis and Rachelle Gallimore-Scruggs and TLC staff members Lisa Steelman, Debbie Saddler and Interim Director Billy Fields.

In the absence of the Chair, Vice Chair Hernandez called the meeting to order, and then led the Pledge of Allegiance followed by a reading of the Notice of Appeal Statement which outlined the right of appeal for TLC decision.

**Minutes**

Commissioner McNally, with a second from Commissioner Marko, moved to approve the minutes from the previous meeting.

ACTION: Approved 4-0

**Public Hearings**

The Vice Chair announced the first public hearing:

*Consideration of a TLC Rule which would require Uninsured Motorist Insurance coverage of 25-50 from a Tennessee licensed insurer with at least an A.M. Best rating of B+ for permitted taxicabs.*

Nathan Spears, representing Geny Insurance, spoke in favor of establishing this rule. He said there is no law for anyone to carry uninsured motorist insurance, but this was a good step in the right direction. However, he said it was a "loss-leader" for taxicabs and should not be in excess of what is being suggested today of 25/50.

Commissioner McNally asked about the history of claims and Mr. Spears responded that over a period of the last 10 years, his company "maxed out" only three or four times during this period based on the state minimum liability insurance coverage of 25/50/15.

Bruce Giles, representing Atlas Financial Holdings, Inc., which does business as American Service Insurance Co., said his company currently has clients with Checker Cab drivers in Nashville. He said around the country, uninsured motorist coverage is typically a voluntary and not mandated. He expressed concerns about the "B" rating required for carriers to provide coverage. He asked that this be reconsidered by the TLC. Mr. Giles explained that A.M. Best takes several aspects of the industry into consideration in establishing ratings. He also offered examples of highly-rated companies which had problems, including AIG. On the issue of Uninsured Motorist coverage, he said Checker Cab as a limit of \$60,000 in single incidence. Mr. Giles advised the TLC that there is a difference between admitted insurance carriers and non-admitted carriers. He said admitted carriers have additional protections from the state for its clients because it is an admitted carrier.

The Vice Chair advised the TLC that it could not consider any changes to the taxicab liability insurance rule until that issue was properly noticed.

With no one else desiring to speak, the Vice Chair closed the public hearing.

The Vice Chair suggested that there be a public hearing at the next meeting to discuss the issue of the taxicab liability insurance rule, which could include additional information regarding AM Best ratings, admitted and non-admitted carriers, as well as additional information regarding uninsured motorist coverage.

Commissioner Turner moved that the TLC adopt a rule that requires uninsured motorist coverage for all licensed taxicabs at levels of 25/50/15 and carry an AM Best rating of not less than B + or be an admitted carrier in the state of Tennessee. There was no second.

Commissioner McNally expressed a concern over there being no "floor" on the insurance carrier's rating.

David McIndoo, representing Greater Nashville Insurance, was asked to describe the manner in which AM establishes ratings. He said it is based on balance sheet issues such as levels of reserves for payments, fee payments, how profits are made and similar financial measures. He said there is a huge difference between an A - rating compared to a B rating, while not a large difference between a B + and a B ++ rating.

The Vice Chair asked Interim Director Fields to invite Metro Insurance Interim Director B.C. Cobb to the next TLC meeting. Interim Director Fields said that the TLC can defer all action on this issue and that a new public notice can be issued to cover all of the insurance topics which were pertinent to this rule.

Commissioner Turner, with a second from Commissioner McNally, moved to defer the insurance issues until the May, 2013 meeting.

ACTION: Approved 4-0

The Vice Chair announced the second public hearing:

*Consideration of a TLC Rule which requires Global Positioning System (GPS) tracking for all permitted taxicabs along with provisions establishing minimum equipment standards and capabilities, usage during operational period, as well as reporting requirements and implementation requirements.*

The Vice Chair opened the public hearing.

Amanda Valentine spoke on behalf of Livia Smith's friends and family. She told the TLC that Ms. Smith was placed in a taxicab and she was found dead the following morning and no one knows what happened. She asked that the TLC require all taxicabs in Nashville be required to keep proper records and GPS be mandated for all vehicles.

Johnny White, representing American Music City Taxicab, said it takes time to get the GPS installed since there is training and testing involved. He said this should be a tracking system, as well as a dispatching system. The system should stay in the vehicles and not able to be unplugged. This needs to happen for the safety of the drivers and the passengers. He said the cost for the unit is "almost free", but the monthly charge for monitoring is where the expense resides. He also suggested that the top-light be attached to the meter so when the meter is activated the top-light is activated as well. Mr. White said this will resolve many issues.

Brandy Dismang, manger representing Checker Cab, said their vehicles use the 2008 Mobile Knowledge system and that they pay approximately \$550 each month for their taxicabs. She said there is a way to disconnect the GPS tracking and there is discipline when this happens. She said each driver should be held accountable for issues related to tampering with the GPS system.

Interim Director Fields advised the TLC that he had not drafted a specific rule to be established beyond simply requiring GPS tracking on all vehicles. Teresa Costonis, Metro Legal, advised the TLC that language could be added to a rule regarding the activation of the top-lights as well as language regarding the operation of the GPS by the driver as well certain reporting requirements by the company.

The Vice Chair closed the public hearing.

Commissioner McNally moved, with a second from Commissioner Turner, to establish a rule requiring GPS tracking on all licensed taxicabs which requires the GPS system to be engaged at all times when the taxicab is in service and if not it is a driver violation. In addition, when a company becomes aware of a failure to activate the GPS system, the violation must be reported to the TLC staff within 24 hours.

ACTION: Approved 4-0

### Wreckers

The following individuals applied for renewal of their existing wrecker driver permits:

- Clemons, Jeremy L.
- Davis, William J.
- Mark J. Palmer
- Jeffery W. Winchester

Commissioner Marko, with a second from Commissioner moved to approve the requests for renewing wrecker drivers.

ACTION: Approved 4-0

The following companies applied for new general wrecker company permits:

- Connect 1 Recovery, LLC.

Commissioner Marko, with a second from Commissioner Patel, moved to approve the request for new general wrecker company licenses.

ACTION: Approved 4-0

Interim Director Fields the following drivers have made application for new wrecker driver permits:

- Antolino, Vincent M.
- Benefield, Stephanie A.
- Brown, Courtney M.
- Carrigan, Richard E.
- Cowles, Charles W.
- Easley, Christopher G.
- Forbes, Kyle D.
- Martin, Marlow J.
- Novelle, Anthony J.
- Shaver, Charles D.

Commissioner Turner, with a second from Commissioner Marko, moved to approve the applications.

ACTION: Approved 4-0

Interim Director Fields asked the TLC to deny Jose A. Pagan and Troy D. Price based on failure to appear.

Commissioner Patel, with a second from Commissioner Turner, moved to deny these requests.

ACTION: Approved 4-0

Interim Director Fields said that William T. Vardell was present, but should be considered separately because his application was now inaccurate because he would not be driving for the stated company and no other company had agreed to hire him. Mr. Vardell said he had been working for New Hope Towing, but had resigned last week. Commissioner McNally asked about a domestic assault on his record, but Mr. Vardell said it had been dropped.

Commissioner Turned moved, with a second from Commissioner Patel, to approve Mr. Vardell's request and he report his employment status to the TLC staff.

ACTION: Approved 4-0

#### **Other Passenger Vehicles for Hire**

Interim Director Fields advised the TLC that Donovan H. Valentine had applied for an OPVH drivers permit, but that the TLC had revoked his previous permit on October 23, 2011 for operating an OPVH company with approval and advised that by policy; only the TLC can approve the application. Mr. Valentine explained that he wanted to drive for Eagle Transportation to open Monarch Transportation, but did not want to pursue the company before he could get a permit. Mr. Valentine indicated that he had all of the paperwork ready for the company application process. Commissioner Marko moved, with a second from Commissioner McNally, to approve the driver's permit.

ACTION: Approved 4-0

#### **Other Business**

Interim Director Fields advised the TLC that there had been some management and ownership changes with in some of the taxicab companies. He reported:

- Green Cab: Eden Hagos has been deleted as owner/partner, Desbelew Meharie and Hones Asia are longer executive officers and Teesside Essay now serves as president.
- Volunteer Taxi: Tariku G. Biryani is now chairman.
- TennCab: Hama Osman and Abdiquana Gedi are no longer board members.


Interim Director Fields asked the TLC to hold a Public Hearing at the May, 2013 meeting for the purposes of considering rule changes regarding taxicab insurance requirements. He also asked the TLC to hold a Special Meeting at the same time to the purpose of considering a new system for allowing additional permits for taxicab companies to operate ADA Accessible taxicabs.

With no further business, the meeting was adjourned.

ATTEST:

  
Billy Fields  
Interim Director

APPROVED:

  
Sal Hernandez  
Vice Chair