

TAXI COMMISSION MEETING  
Minutes of the June 17, 2013 meeting

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**I. CALL TO ORDER**

Chair Bresciano called the meeting to order at 9:05 a.m.

**II. ATTENDANCE**

Present: Members: Commissioners Peter Bresciano, Aaron Lawson, and Michael Barker, Councilor Brad Lown, Lieutenant Mark Newport and Deputy City Clerk Dianne M. Kirby

**III. ACCEPTANCE OF MINUTES FROM MEETING MINUTES FROM MAY 20, 2013**

**Councilor Lown moved to approve and accept the minutes of the May 20, 2013 meeting. Seconded by Commissioner Barker and voted.**

**IV. NEW BUSINESS**

1. UBER Ride Receipt (Councilor Lown)

Councilor Lown said he received an email concerning an UBER application that is being used in Boston. He said the individual gets an UBER application on their phone and when he needs transportation he activates the application and types in his address. He said the nearest driver is dispatched and a text is sent with the estimated arrival time. He said when the vehicle arrives another text message is sent and the individual gets into the vehicle and tells the driver their destination. He stated when the fare arrives at his destination he just gets out. He said a prearranged credit card is automatically charged and a text message is sent with a thank you message and the amount charged.

Chair Bresciano stated he looked into this and he stated under this system there are four types of vehicles that could be dispatched – Taxi – UBER (hybrid or mid-range car) – Black car or SUV. He stated the City of Portsmouth only has taxis. He said from point to point we rely on taxi cabs.

Councilor Lown stated he has also heard of another application called Hailo. He said his understanding is that Hailo is taxis approved by the Cities. He said these taxis buy into the system. Commissioner Barker stated dependent on what City you are in, there are different services available. He said UBER allows anyone that is licensed to carry people from point to point, sign up and work with their system. He said the number one issue is that you can't ask UBER to come to your city; they decide what Cities they want to invest in. He said in principle it is a very nice service.

Chair Bresciano said they would have to operate only taxis. Commissioner Barker said the driver would have to be licensed to carry passengers. Chair Bresciano stated a person can be licensed as a limo driver and can't carry passengers from point to point in Portsmouth. Councilor Lown asked if that would violate the ordinance. Chair Bresciano stated it would. Councilor Lown stated anyone who signs up for Hailo would have to be an approved taxi with a medallion. Commissioner Barker said that would have to be the way it worked in Portsmouth. He said there has obviously been some litigation. He said every city UBER goes into there has been resistance from, particularly the Taxi Commission. He said some of the reasons being they want the drivers to use the phone while driving and they want the driver to accept the fare before they get to the person, which means if someone is hailing you down, you can't stop for them now and in some places the use of credit card violates some laws. Chair Bresciano said when you are automatically billed with your credit card, a tip to the driver is included and the standing rate is not always in line with the ordinance. He said there are a lot of ifs when you are dealing with this program.

Steven Gerrato, Rockingham Livery stated PLPA is international. He stated the PLPA was in Vegas when he was there for a taxi cab conference. He said PLPA is against UBER – there have been a lot of problems and there has been a lot of litigation because they are now turning Limo Companies into Taxi Companies. He said the app becomes the taxi company. He said they are taking the fare, they are taking a percentage, and they are charging a fee for processing the credit card. He said if you join the PLPA or get on their E-Mail list, you can get updated information into all the new regulations. He said they have a lot of information and a huge legal department to back up any questions you may have.

Merle White, driver for Anchor Taxi said there are times an individual will make a scheduled pick up and when you get there to pick him up, he has flagged down another cab and you have passed people to get there and they are gone. He said it can be a waste of your time. Chair Bresciano stated it use to be that all calls were sent through the dispatcher through a system within all the vehicles where each cab knew what the others were involved in. He said now all calls go to cell phones and one cab doesn't know what the other is doing.

Councilor Lown said the definition of a limo is:

*Limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions.*

*Limousine services whose operator is limited to the transport of passengers by prior appointment from locations within the City of Portsmouth to destinations located outside of the City or the reverse.*

He asked if someone calls up a limo service and says pick me up at Market Square and bring me home within Portsmouth, they can not. Chair Bresciano stated not within the City. He said if he is taking him home to Dover it is ok.

Merle White, Anchor Taxi Driver said there are limos that pick up and drop off within the City. Councilor Lown said he thinks the ordinance allows that if it is prearranged. He said it is vague, very vague.

Steven Gerrato, Rockingham Livery said the Clipper Company offers service in Portsmouth from C&J to Portsmouth. He said they offer a discounted rate for rides outside of town. He stated there are a couple others around that do the same as well. Merle White, Anchor Taxi Driver said Flightline that operates out of Manchester has set up with C&J to offer rides from C&J to Manchester Airport. He said he knows someone who works for C&J that said when Flightline puts out their apps, they are also going to offer rides within the city limits.

Chair Bresciano stated we may have to take a hard look at the ordinance and incorporate something that deals with limos picking up within the City and delivering within the City. Councilor Lown stated the ordinance is unclear as to whether it prohibits that. He said limos are not regulated by this Commission or the City in any way. Merle White, driver for Anchor Taxi stated the Grace bus that has a contract to go from Portsmouth to Kittery has been picking up at one point in Portsmouth and dropping off within Portsmouth. Chair Bresciano stated he can not do that. He asked if the Commission wanted to have Attorney Sullivan look into the ordinance. He said we could if there was a problem and he is hearing hints that there might be a problem. He said he thinks it should be looked into. He said he feels the intent of the ordinance is to prohibit limos from operating within the City, but it doesn't clearly state that. Steve Gerrato, Rockingham Livery said if you call a limo to take you out to dinner, you are paying that limo driver to sit there and wait for you and bring you home – there is no harm or foul in that because, 1) it's prearranged and 2) they are paying an hourly rate to sit there and wait. Councilor Lown said the City has to regulate the safety for the benefit of the public. He said there would be no point in doing this if limos could do the same thing and not be regulated. Commissioner Barker said limousines should be regulated. He said there are two big safety issues - one being insurance and the other is yearly inspections. Lieutenant Newport stated limousines are regulated by the State.

Commissioner Barker said the City made the decision that taxi cabs that operate within the City have extra assurances that they are operating safely. He asked why limos would be eliminated from that. Councilor Lown said the difference is that they travel outside the City. He said that is what he thinks was intended. Commissioner Barker stated if they are operating inside the City – point to point, they should be regulated also. Chair Bresciano stated if a taxi picks up a fare in Portsmouth and delivered him within Portsmouth, he has to abide by all the insurance and safety inspections. He said he feels that a limo that was called to pick up a fare within Portsmouth and take them to the hospital and wait and bring them back would have to abide by the same kind of inspection of their vehicle.

Lieutenant Newport stated it would be cost prohibited to take a limo from one point in Portsmouth to another point in Portsmouth unless you are having a night out on the town and going from bar to bar and have the limo for the whole night.

Councilor Lown suggested the Commission to ask Attorney Sullivan to specify in section 7.201 that if a limo is operating within the City limits is it to be considered a taxi. Commissioner Barker said he thinks that is what is intended by the ordinance, but it is not clear.

**Councilor Lown moved to have the City Attorney clarify the meaning of section 7.201. Seconded by Commissioner Barker and voted.**

## 2. Taxi Commissioner from Taxi Community

Chair Bresciano stated we still need a Taxi Commissioner from the Taxi Community to serve on the Commission. He stated anyone wishing to serve as the Taxi Representative to the Taxi Commission should submit their name to the taxi owners. He stated the Taxi Owners should then, get together and vote on who they will submit to the Mayor for approval and nomination to the City Council or approval.

Steven Gerrato, Rockingham Livery stated he would submit his name. Chair Bresciano stated he would need to set a date and time to meet with the other owners in order to have a majority vote of the taxi owners.

**Councilor Lown moved to table this matter until the next meeting. Seconded by Commissioner Barker and voted.**

## V. OLD BUSINESS

There is no old business.

## VI. MISCELLANEOUS/UNFINISHED BUSINESS

### 1. Police Representative Report

Lieutenant Newport stated there were only five complaints of vehicles parked in taxi stands. He stated all were ticketed or towed.

**Councilor Lown moved to accept the Police Representative report and place it on file. Seconded by Commissioner Lawson and voted.**

### 2. Extra Taxi Service for Friday and Saturday nights (not on the agenda)

Councilor Lown stated he has been talking with Commissioner Barker about the problem with the lack of enough taxis on Friday and Saturday nights. He asked if the Commission could write a letter to the hotels with courtesy vans to find out 1) what their policy is about vans or shuttles and 2) if they would voluntarily alter that policy to keep the vans/shuttles out until 2 a.m. on Friday and Saturday nights. Chair Bresciano asked if this would put the hotels in the taxi business. Lieutenant Newport stated these van/shuttles do not charge fares. Merle White, Anchor Taxi driver said they will only pick up for their hotel, but that would free up taxis to do other business. Councilor Lown asked if taxi companies would be opposed to this. Merle White, Anchor Taxi driver stated he would not. Councilor Lown stated the Commission has no jurisdiction to require anything – his idea is only to ask the hotels if they would volunteer to assist the City to alleviate this problem. Commissioner Barker said he ran some numbers and feels it might be plausible to offer a part time medallion for Friday and Saturday nights only. Commissioner Barker said he has run some numbers taking into consideration – insurance, gas, medallion, installation of the meter, etc. and he would like to canvas the taxi owners to

see if they feel it would be worth putting on an extra vehicle for 4-5 hours a week to cover that heavy period. He stated it seems like this could bring in about \$30.00 an hour for those 3-4 hours. Steven Gerrato, Rockingham Livery stated he didn't feel Commissioner Barker has the correct figures for insurance. Commissioner Barker stated he had contacted one of the current taxi insurance companies and was told the insurance was \$3,500.00 per year for taxi insurance. Steven Gerrato, Rockingham Taxi stated that is more like a monthly figure. He stated he pays \$3,800.00 plus per month for 5 taxis. Councilor Lown commended Commissioner Barker on running these numbers. He says it is very interesting. He said the problem he sees is someone might buy a part time medallion and operate 24/7 which would cause a surplus of taxi service for the other hours which would reduce the profits of existing taxis. Merle White, Anchor Taxi driver stated it is hard enough to get drivers as it is without trying to get someone that will drive 9 p.m. – 2 a.m. two nights a week. Merle White, Anchor Taxi driver stated the Navy Base has a van that they send out to pick up the sailors and take them back to the base.

**Councilor Lown moved to send a letter to the major hotels that operate courtesy vans and ask them if they would extend their hours of operation from 10 p.m. to 2 a.m. Seconded by Commissioner Barker and voted.**

## **VII. ADJOURNMENT**

The meeting was adjourned at 10:00 a.m.

Respectfully submitted by:

*Dianne M. Kirby*

Dianne M. Kirby, Deputy City Clerk