

TAXI COMMISSION SPECIAL MEETING  
Minutes of the January 14, 2015 meeting

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**I. CALL TO ORDER**

Chair Bresciano called the meeting to order at 7:04 p.m.

**II. ATTENDANCE**

Present: Members: Chair Peter Bresciano, Assistant Mayor James Splaine, Commissioners Lawrence Cataldo, Stephen Dunfey, Lieutenant Chris Cummings and Deputy City Clerk Dianne Kirby

Absent: Commissioner Tristan Law

**III. PUBLIC COMMENT**

Chair Bresciano welcomed everyone to the Taxi Commission Public Forum on UBER/Ride Sharing Services. He said this public forum was designed specifically to get public opinions and concerns about allowing UBER/ride sharing in Portsmouth. He stated the Commission is here tonight to listen to what the public is saying and will not make any comments or arguments at this time. He said the Commission would take what is said tonight by the public under advisement when making future decisions.

Commissioner Cataldo stated the Commission is here to listen to what the public is saying. He stated at the end of this meeting Assistant Mayor Splaine will explain the next steps that will be taken by the Commission and the City Council.

Warner King – Stratham – Ride-Sharing Driver. Mr. King stated he is an UBER driver and he provides a service that doesn't exist with the Portsmouth taxi service. He stated he picks up people from the bars on the weekends when there are not enough taxis available. He said UBER operates on a feed back rating system where the customer and the driver rate each other. He stated if the customer gives him a bad rating due to his personality, cleanliness of person or cab or for any reason he can be taken off the platform. He stated he has heard many complaints about the rudeness of some of the taxi drivers. He said UBER is a cashless system. He said the customer receives a fair quote and receives a receipt over the phone. He stated the customer can order a ride over the phone and see on the app exactly where the driver is and see when the driver arrives. He said this allows the customer to stay inside the building out of the elements. He stated all rides are tracked through GPS by UBER. He stated a customer should be able to pick who they wish to ride with. He further stated apps are here to stay.

Michael Klass – Manchester – Attorney for UBER. Mr. Klass stated he has been retained by UBER to attend this meeting and report back on the discussion that took place. He handed out a sheet that explained what UBER is and answered some of the questions about background checks, vehicle standards and insurance.

John Palreiro – Portsmouth – Great Bay Taxi Owner. Mr. Palreiro stated UBER says they have one million dollars of insurance on their drivers, but if you really look at the policy you will see they are not insured. He said Portsmouth taxi companies have to jump through hoops with background checks, and vehicle inspections as well as putting out money for all these items. He said UBER doesn't have to be licensed by any City to operate. He stated they need to be stopped from operating until they adhere to the same regulations and requirements that they do.

Zelita Morgan – Portsmouth – Resident. Ms. Morgan stated she is not speaking for or against any ride-sharing companies. She asked the Commission to continue with their due diligence and hopefully our commissioned taxis and the whole group will be able to grab the opportunity and look at how we can make this even better for our community. She suggested we look to see what we can learn from this share-riding model. She said she thinks this is an interesting concept that is here and it is the future.

Hawk Furman – Portsmouth – UBER Driver. Mr. Furman stated he was an UBER user and has been an UBER driver for the last six months. He stated UBER caters to a younger clientele aged 20-32. He said according to his feedback ratings, 100% of his clients have said they would never use the taxi service again. He said they like the idea of not having to carry cash and have stated they have experienced safe rides. He said in Portsmouth there is a demand. He said he had a client last week that tried to get a cab and was told 40-45 minutes. He said he didn't think UBER was in Portsmouth but pushed the button and he was picked up in 20 minutes. He stated UBER does perform background checks for every State. He said New Hampshire does two background checks. He said they check licenses, registration and the vehicle. He said there are a lot of checks and balances. He stated UBER is not a taxi service; it's a ride sharing service. He said those that use UBER are going to continue to use it because it's easy, simple, and effective and they can identify the driver and vehicle by a picture on the app. He said UBER is here to stay.

Merle White – Rye – Anchor Taxi Owner. He stated the Taxi Commission needs to follow City Attorney Sullivans recommendation. He said UBER is operating outside the ordinance and they should be made to comply with the rules and regulations or get out. He stated there are more and more Cities that are doing this. He stated they are not a bad service, but the Commission should enforce the ordinance or get rid of it.

Lawrence Palreiro – Texas – Great Bay Taxi Owner. Mr. Palreiro asked if we are going to be part of the problem or part of the solution. He stated his father operated within the gray areas of the ordinance and was called on it. He said at what point is UBER going to be called on it. He said the law is the law and all individuals should be liable fairly. UBER is operating without insurance coverage. He asked if the Commission is going to wait for something to happen before they take action.

Rick Szilagyi – Durham – Executive Director of New England Livery Association. Mr. Szilagyi stated UBER captured a large following due to their enormous marketing budget, connections at influential levels and an unsuspecting public. He said UBER drivers operate as unlicensed taxi cabs and UBER recruits independent operators. He said they are not held to the same standards as Municipal taxi drivers. He stated the public doesn't understand what the taxi

companies have to go through to be able to operate as a taxi. He said our children are told as toddlers not to get in a vehicle with someone you do not know – yet people get in UBER unmarked cars. He stated in June 2014, the New Hampshire Commissioner of Insurance issued a warning to the public directing it to both riders and those providing the service that they better touch base with their insurance company and make sure they are covered if they are driving commercially. He said it's hard to understand why there is even consideration of what we are talking about. He said there is no need to rush into something. He said if one of these taxi companies who are represented here tonight were to increase their fares because it is First Night, there would be a lock on their door tomorrow morning – yet for Transportation Network Companies (TNC) we let it slide. He said bullet issues are:

1. Insurance. Do you have a copy of their insurance policy – it's not 24/7
2. Background Checks. These are not what the City performs
3. Vehicle Inspections. These can be done at Jiffy Lube and they only need one to get into the system and it is never repeated.
4. Rates. They have surge pricing.
5. Vehicles: Their vehicles are unmarked.

He asked about taxes and fees. He said a gentleman earlier mentioned that when you get into an UBER vehicle you are waiving all your consumer rights.

He urged the Commission to go slowly. He said these current operators should be told tomorrow that they can no longer operate in the City and then the Commission should figure out what they want to do. He said if the Commission has issues about how taxis have been operating – work on that. He said he is sure there are companies that would be willing to work with the Commission and improve their services.

Pat Bagley – Portsmouth – Resident. Ms. Bagley spoke in favor of trying to make UBER work in Portsmouth. She said UBER is working in other Cities and she feels there are enough intelligent people in our City to make this work. She stated people want UBER.

Nicole Wolfe – Eliot – Annie's Taxi Owner. Ms. Wolfe said UBER is not a bad thing, but they do not fall under City standards or have to put out the money Portsmouth taxi companies have to. She said if UBER wants to stay they should be required to undergo all the rules and regulations they do.

Ryan Fallon – Somersworth – UBER Driver. Mr. Fallon stated customers love UBER. He said with the rating system, they can be taken off the platform for a bad rating. He said UBER is operating in the gray areas of the ordinance. He stated a thorough background check is performed on every UBER driver, but like all things some bad people slip through. He stated UBER has a one million dollar per incident plan for all their drivers. He said every driver is fully covered and fully protected. He stated UBER drivers are not a taxi they are more like chauffeurs.

Harold Whitehouse – Portsmouth - Resident Mr. Whitehouse stated he came here tonight to see what UBER was all about. He said from 1998 – 2002 he was a City Councilor and a Taxi Commissioner under Mayor Sirrell. He said Mayor Sirrell started the Taxi Commission. He said the Taxi Commission and City Attorney Sullivan need to work something out. He suggested the Commission and City Attorney see what other Cities of equal size are doing and model after them.

John Palreiro – Portsmouth – Great Bay Taxi Owner. Mr. Palreiro said there are four things you should know about UBER:

1. There have been numerous complaints against UBER drivers for harassment and sexual advances
2. Lawyers are saying they are not covered by insurance. He said the million dollar policy UBER talks about kicks in after the driver's commercial insurance ends. He said the problem is when an insurance company finds out the driver works for UBER they cancel their insurance – making the million dollar policy no long valid
3. They do not adhere to State laws
4. They do not adhere to City ordinances

He stated he doesn't mind UBER as long as they follow the rules of the City like they have to. He further stated UBER drivers work when they want to work. He said they do not have set schedules. He stated he said the Taxi Commission and the Police Department need to make UBER comply with the City ordinances.

Lawrence Palreiro – Texas – Great Bay Taxi Owner. Mr. Palreiro stated there are numerous stories on-line concerning accidents and charges of crimes that have been reported against UBER. He said this is a matter of public safety. He stated if you look on-line there is not one positive news clip on UBER.

Mayor Lister – Portsmouth – City Mayor. Mayor Lister said as Mayor of the City of Portsmouth he would like to compliment the Taxi Commission for hosting this forum. He further thanked all the Taxi Companies, residents and UBER drivers for coming out to voice their opinions. He said if this problem is going to be solved it will be solved in Portsmouth.

Merle White – Rye – Anchor Taxi Owner. Mr. White stated according to the State of New Hampshire Insurance Commission a business must have commercial auto insurance and if a driver with personal vehicle insurance gets into an accident and the State Insurance Commission finds out they are operating a paying business – they will not be insured.

Commissioner Cataldo called for more speakers. There being none he closed the public hearing.

Assistant Mayor Splaine stated the Commission has a job to do. He said they need to continue to learn and do more research. He stated there will be more discussion on this subject at both the next Taxi meeting and City Council meeting. He said Portsmouth is going to solve this issue. He said the ultimate job is to be safe.

Chair Bresciano thanked everyone for coming out.

## **VII. ADJOURNMENT**

The meeting was adjourned at 8:05 p.m.

Respectfully submitted by:

*Dianne M. Kirby*

Dianne M. Kirby, Deputy City Clerk