

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

Minutes of

June 24, 2008

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, Vice Chair Duane McGray, and Commissioners Jennifer Brundige, Mary Griffin, James Utley, and Ed Whitmore (6). Also attending were Commission staff members Walter Lawhorn, Milton Bowling 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.

Commissioner Jennifer Brundige noted a typographical error on the minutes of the May 27, 2008 meeting. The error was corrected, and the minutes were approved.

TAXI DRIVER DISCIPLINARY HEARING: DELELEGN AMBAW

Director McQuiston explained that Mr. Ambaw had exceeded the allowable number of moving vehicle violations to remain eligible for a permit, and that his permit had been temporarily suspended pending a decision by the Commission. The director added that Mr. Ambaw had turned in his permit in May. Mr. Ambaw appeared before the Commission. He acknowledged that the record of violations was correct, and noted that he should have gone to Traffic School. **Vice Chair Duane McGray** moved to suspend Mr. Ambaw's taxicab driver's permit until such time as he may re-establish eligibility, and to authorize the staff to issue a permit at that time without requiring another appearance before the Commission. **Commissioner Jennifer Brundige** seconded, and the motion passed (5-0).

APPLICATION FOR TAXICAB DRIVER PERMIT: SAID A. ELMI

Mr. Elmi appeared before the Commission. Director McQuiston reported the following: When Mr. Elmi applied for a permit in early May he had disclosed a felony burglary charge in 2000; because this conviction alone would not disqualify him for a permit, he was issued a temporary permit on May 7. On May 8, a preliminary background check revealed an undisclosed second felony conviction in October 2007; as a result, his temporary permit was immediately suspended, and he was sent a certified letter to that effect. In addition, all taxicab company owners were notified, and Yellow Cab reported that Mr. Elmi had not yet been offered a taxicab. On May 12, Inspector Bowling cited Mr. Elmi, who was driving a vehicle painted and lettered as United Cab #88; Mr. Maliani and this vehicle had been terminated by United Cab for lack of insurance.

The director provided the Commission with a copy of Mr. Elmi's completed TBI/FBI background check.

Mr. Elmi stated that Mr. Maliani had rented him the vehicle on May 7. **Vice Chair Duane McGray** asked Mr. Elmi how many citations or arrests he had disclosed on his application; Mr. Elmi stated that he had listed three. **Vice Chair McGray** asked how many citations or arrests he actually had; Mr. Elmi stated that he had about four or five. **Vice Chair McGray** asked Mr. Elmi about each of the specific arrests and convictions shown in the background check. Mr. Elmi claimed that four of the charges were for the same crime, but acknowledged three other charges not disclosed in his application. **Vice Chair Duane McGray** moved to disapprove Mr. Elmi's application. **Commissioner James Utley** seconded, and the motion passed (5-0).

APPLICATION FOR WRECKER DRIVER PERMIT: CHRIS HARE

Mr. Hare failed to appear. Director McQuiston noted that Mr. Hare and Jim Mitchell, owner of Dad's Towing, had been notified of the hearing. The Commission noted that Mr. Hare had failed to disclose felony convictions revealed by his background check. **Vice Chair Duane McGray** moved to disapprove Mr. Hare's application. **Commissioner Ed Whitmore** seconded, and the motion passed (5-0).

ANNUAL PUBLIC HEARING: EMERGENCY WRECKER ZONES

Director McQuiston noted that an annual public hearing was mandated by Section 6.80.545 of the Metro Code: to "review the efficiency and suitability of the emergency wrecker service zones, and to make such changes as the traffic control, the welfare of the public, and the safety of the motoring public shall require." The director reported that there had been no requests for changes to the zone boundaries. He stated that the Metropolitan Police Department, the Emergency Communications Center, the Tennessee Department of Transportation's Office of Incident Management, and the sixteen licensed emergency wrecker companies had been invited to present their perspectives on the current system. He provided a list and copies of complaints filed against emergency wrecker companies since the last annual public hearing. **Vice Chair Duane McGray** asked if the staff could quantify the number of emergency wrecker calls requested during the past year. Director McQuiston stated that this data was not available; he added that this was a legitimate and serious concern, especially as it was essential to objectively analyze and evaluate the performance of the companies and of the emergency wrecker system overall. **Vice Chair McGray** noted that the number of complaints received was very small, and may be negligible.

Chair Helen Rogers called the public hearing to order.

Lieutenant Charles Beasley, Impound Lot commander, and Sergeant Mark Byrne, in charge of downtown traffic with the Central precinct, appeared on behalf of the Police Department. **Chair Rogers** asked if there had been any problems experienced with response times. Sgt. Byrne stated that most downtown towing was related to parking violations, and that the most acute situations could involve mass towing which typically required the response of multiple emergency wrecker companies. He stated that the performance of the companies in these situations had been excellent. Lt. Beasley stated that the Impound Section typically got involved in situations when vehicle owners were trying to locate or gain release of vehicles that had been towed. He stated that the section worked these directly with the appropriate wrecker company, and that the companies handled these in a timely manner. **Chair Rogers** asked if the current wrecker zones worked efficiently for the Police. Lt. Beasley stated that he had not heard of any complaints about the system. **Vice Chair McGray** asked Director McQuiston if the Police had provided any other information to the Commission; the director

responded that, with the exception of complaints provided, he had received no other reports. No one appeared from the Emergency Communications Center, and the director stated that no reports had been received.

Frank Horne, director of the TDOT Office of Highway Incident Management, and Emerson Boguskie, TDOT HELP supervisor, appeared. Mr. Horne stated that the concern of his office was to ensure the smooth operation of the interstate highway system. He briefly described the organization and methods used by TDOT, to include HELP program responders, to keep the roadways open and safe. He stressed the objective of clearing major accidents, such as tractor-trailer rollovers, and noted that the nationwide goal was to achieve this within ninety minutes of the accident. He stated that HELP operators had frequent experience with emergency wrecker companies, and that this relationship generally had been very positive: as an example, he cited the cooperation of West Nashville Wrecker Service in providing training to other agencies. Mr. Horne stated that things did not always work as well as they should, however, and that there was always room for improvement. He stated that Mr. Boguskie responded to almost every major crash scene on interstate highways in and around Nashville; and he asked him to give comments. Mr. Boguskie stressed the importance of quick clearance – as it relates to the safety of responders at the accident scene, and especially as it relates to public safety in reducing secondary crashes that occur when traffic lanes are blocked for long periods of time. He stated that, because of the emphasis on major incident clearance, in the Metro area HELP teams most frequently dealt with the four emergency wrecker companies that had wrecker equipment capable of hauling heavy trucks. He stated that West Nashville Wrecker Service and Nashville Towing & Recovery both did an excellent job. He stated that Tow Pro's performance was satisfactory. He stated that A.B. Collier's performance was not satisfactory, and cited specific concerns with recent accident experiences.

Commissioners asked questions related to major incident clearance. **Chair Rogers** asked Mr. Boguskie if he had recommendations for Commission consideration that could address problems he had observed. He cited the following as potential areas for improvement:

- better equipment;
- more training or improvement of wrecker operator skills;
- supervision by an experienced company manager at the scene;
- quicker availability of special equipment and other resources, if needed; and
- an ability to formulate, communicate and execute a plan for recovery and clearance.

Chair Rogers asked how the decision could be made, in cases when progress was not satisfactory, to relieve the wrecker company at the scene and call for another company to handle the clearance; Mr. Boguskie replied that the incident commander had to make the call.

Chair Rogers asked if there were steps the Commission could make, in terms of policy.

Commissioner James Utley clarified that public safety was a function of clearance time.

Commissioner Ed Whitmore asked if the responding wrecker company provided an estimate of recovery time, and to whom. Mr. Boguskie responded that they communicated that to the law enforcement officer at the scene, and that this was a question always asked by TDOT, and was essential in order to post advisories to the motoring public. He noted that this estimate might change, as the situation changed. **Commissioner Whitmore** asked if TDOT had authority to relieve a wrecker company; Mr. Boguskie responded that this was unclear.

Commissioner Whitmore expressed concern that the decision needed to be made. Mr. Horne stated that in the clearance of major incidents there appeared to be a lack of a sense of urgency and accountability to get the road open. He asked the Commission to take a position on this matter. Stressing the importance of this, Mr. Boguskie cited an example from earlier in the month, when there had been three major incidents in the Metro area within a

twenty-one hour time frame.

Vice Chair McGray suggested the need for the State to create a task force of responders to work on the issues, both as a traffic clearance problem and as a homeland security concern. Mr. Horne responded that there were already incident management task forces in place throughout Tennessee; he added that the Nashville regional task force included a number of the agencies and companies present. Director McQuiston stated that TDOT and the Department of Safety had been taking the lead on the incident response issue for some time. He noted that there were different problems in rural counties, where the availability of wrecker services and distances involved contributed to longer response times as well; by contrast, the Metro area was in excellent position to make significant improvements. He added that this was not something that the Transportation Licensing Commission alone could do, but requested that the Commission consider taking a position on the issue and any measures that could bring the importance of safe, quick clearance to the forefront. He stated that the current ordinance and rules included only a response time requirement.

Commissioner Utley stated that the Commission should establish clearance time as a requirement; if a company could not clear the accident in a reasonable time period, then another company that could meet the requirement would be given that business. Director McQuiston addressed the Class C back-up issue, and added that there should also be standards for training, availability of special equipment, and other issues, as suggested by Mr. Boguskie. **Chair Rogers** stated that the Commission could take a position supporting and encouraging the incident commander to make a decision to relieve a wrecker company that was not making satisfactory progress on clearance. **Vice Chair McGray** asked Lt. Beasley if the Office of Emergency Management was contacted on major incidents; Lt. Beasley stated that this would depend on the size and nature of the event. **Vice Chair McGray** stated that, in the case of a major incident, the involvement of OEM would increase the sense of urgency to clear the interstate and reduce the potential threat to public safety. He stressed that Metro Government had a vested interest in interstate clearance.

Chair Rogers invited the wrecker companies to appear.

A.B. Collier – No representative was present.

Bailey's Wrecker Service – Randy Bailey appeared. He expressed concern that emergency wrecker services had no radio communications with the Police Department, and had to depend on the overloaded 862-8600 telephone number. Lt. Beasley stated that he would see if there was a possible solution within the Police Department. Mr. Bailey also asked for help with training new police officers on emergency wrecker-related issues. Director McQuiston stated that Inspector Bowling was now training recruits at the Police Academy on working with emergency wreckers, but that roll calls generally required training in video format.

Brown's Wrecker Service – Gary Brown appeared. He responded to the three complaints received. He explained that he had been out because of poor health for several months, but that he had since returned to work.

Carter's Wrecker Service – Jimmy Carter appeared. No problems were identified.

Chapman's Wrecker Service – Johnny Graham appeared. He suggested that a second telephone number for the Emergency Communications Center would be helpful, if it was not possible to get an alternative means of communications with the Police Department.

Cotton's Wrecker Service – Bobby Dean appeared. No problems were identified. He stated that Police officers did occasionally call his office.

Custom Towing – Brenda Vanderpool appeared. No problems were identified.

Donelson Wrecker Service – No representative was present. Gary Brown stated that owner Christine Shelton was unable to attend for health reasons.

Gary's Garage & Wrecker – No representative was present.

Hillwood Wrecker Service – Myrtis Shope appeared. She explained that the only complaint received had been from an employee of another wrecker company; and that the towed vehicle had been released with no charge.

Martin's Wrecker Service – Mike Martin appeared. No problems were identified.

Nashville Towing & Recovery – Darrell Greer appeared. He described some of the resources his company had readily available to ensure quick clearance of major incidents.

Smith Car Care Center – No representative was present.

Tommy's Wrecker Service – Tommy Goddard appeared. No problems were identified.

Tow Pro – Doug Williams appeared. He stated that 17.1% of the company's revenues in May had gone to pay for fuel. He agreed that a means to communicate with the officer/incident commander at the scene of a wreck was needed.

West Nashville Wrecker Service – Tom Tedford and Larry Boggs appeared. Mr. Tedford stated that the quality of wrecker operators' training was an area the Commission could address. He highlighted some of the training offered by the company to TDOT and other agencies, and invited Commissioners to attend. He noted that wrecker drivers were sometimes killed while recovering vehicles, and stressed the additional risks to poorly trained operators. He stated that the company had responded to 2,118 calls in the past twelve months, averaging 185 calls per month in the zone. He also pointed out that the company's fuel costs had increased 67% over the previous year. Mr. Boggs and Mr. Tedford stated that the company had some videos that could be helpful for education and training, and offered them to the Commission.

The public hearing was closed.

Director McQuiston stated that he would work with the Police Department to determine how to place emphasis on quick clearance of major incidents.

Chair Rogers requested that A.B. Collier be placed on the agenda for the August meeting. **Vice Chair McGray** moved to express appreciation to the emergency wrecker companies for their service to the community during the past year; to make no changes to the current zone map and licensee assignments; and to establish improvement of incident clearance on the interstate highways as a staff priority for the coming year. **Commissioner Mary Griffin** seconded, and the motion passed (5-0).

OTHER BUSINESS

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

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Helen S. Rogers
Chair