

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

**Minutes of  
December 20, 2011**

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 Sal Hernandez, Sam Patel, Tom Turner and Curt Wallen (5). Also attending were Metro Legal advisor Jenny Howard 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 November 15, 2011 meeting were approved.

**ANNUAL TAXICABS PUBLIC HEARING, CONTINUED**

**Chair Helen Rogers** stated that she had not been present for the November 15 meeting. She confirmed with the other Commissioners that presentations by companies and public comment had been received at the November public hearing concerning applications for new certificates and additional taxicab permits for current certificate holders. She asked Commissioners if they were interested in receiving additional public comment; no Commissioner expressed an interest in doing so.

**Chair Rogers** stated that the following applications had been received.

- Applications for new company certificates:
  - Volunteer Taxi – 80 permits
  - Green Cab, Inc. – 50 permits
  - Green-lite Taxi Cab Service, Inc. – 20 permits
- Applications from current certificate holders for additional vehicle permits:
  - Checker Cab - 40 additional permits
  - Taxi USA of TN d/b/a Allied Cab – 26 additional permits
  - Taxi USA of TN d/b/a Nashville Cab – 10 additional permits
  - Taxi USA of TN d/b/a Diamond Cab/1-800-TAXICAB – 4 additional permits

**Commissioner Sam Patel** stated that Volunteer Taxi had lowered its request to 60 permits. **Chair Rogers** stated that the Commission would consider this lower number.

**Commissioner Tom Turner** asked if all of the required information had been submitted with the applications. Director McQuiston stated that all applications had been complete, except for the Green-lite Taxi application, which did not meet the requirement for a certified financial statement. He noted that the applicants intended

to try to raise money from investors later. The director stated that the co-owners of the company were unable to be present at this meeting, noting that Mr. Mazza had to be out of town for a funeral but was available to answer questions by telephone.

**Commissioner Sal Hernandez** asked if there were existing permits which were not filled. The director responded that it appeared that all permits were filled. **Chair Rogers** asked if it was common for existing companies to request more permits than they needed, hedging against the possibility that they may be approved for a lower number than requested. Director McQuiston stated that in the case of this year's applications both Taxi USA and Checker Cab had made the case for requiring more revenues to make improvements. He noted that the only means for a franchised company to increase its revenues was to increase the number of permits or to increase the amount of the weekly lick.

**Commissioner Patel** asked the director if there had been any changes to the staff's budget, noting that Inspector Lawhorn was currently responsible for monitoring over 580 taxicabs and 900 drivers. Director McQuiston responded that there had been no changes. He stated that the budget process would begin in January for the fiscal year beginning in July 2012. **Chair Rogers** asked if revenues from regulation of non-taxi passenger vehicles were meeting budget projections. Director McQuiston responded that revenues had not met earlier estimates in the first fiscal year of implementation, ending June 2011, but that expenses had also been below projections for the previous year. He noted that there were a number of companies that had not yet come into compliance with licensing requirements, and these revenues could be collected before the end of the current fiscal year. He added that a vacant inspector position was about to be filled. Inspector Lawhorn reminded Commissioners that hiring someone to fill the vacant inspector position – to be responsible for inspecting and monitoring liveries and shuttles – would not improve the staff's ability to inspect and monitor additional taxicabs, if additional permits were approved. He stated that the quality of taxicabs was dependent on adequate enforcement. **Commissioner Turner** stated that the staffing levels to support additional taxicabs were as yet uncertain, and that the need for more permits was predicated on increased demand several months in the future. He suggested that a study on taxi-related fees should be undertaken to determine if revenues could cover part or all of the additional expenses. The director expressed concern that, while permitting and sometimes inspection activities were capable of generating revenues through fees, enforcement of laws was not typically considered to be a fee-based service to the regulated industries, but was considered to be a public safety responsibility. He noted that 70% of the department's budget went to support enforcement. The director stated that he would look at fees charged in other cities to determine if taxi fees and revenues could be increased. He noted that fee amounts were prescribed in the ordinance, so it would be necessary for increases to be approved by the Mayor's office and the Metro Council.

**Commissioner Turner** moved to disapprove the application of Green-lite Cab Service. **Commissioner Hernandez** seconded, and the motion passed (4-0).

**Commissioner Patel** expressed concern about approving any permits while the staff budget for the next fiscal year was uncertain. **Chair Rogers** stated that it was also unclear that the large number of permits being requested was appropriate to meet

anticipated demand. She stated that there was additional risk and uncertainty where new applicants were concerned, because they had no track record of performance upon which to base a decision. **Commissioner Patel** stated that the case made in November by the Convention and Visitors Bureau for additional permits did not recognize that there would be a demand for additional taxicabs until March 2013.

**Commissioner Turner** moved to approve applications for new taxicab company certificates of public convenience and necessity and applications for additional taxicab permits, conditional on both of the following requirements being met:

- Metropolitan government approval of the Transportation Licensing Commission FY2013 budget, sufficient to increase staff to enable regulation of additional taxicabs; and
- Director to conduct a survey of taxicab fees charged by other cities, and to provide a report to the Commission on an appropriate fees structure that could increase revenues to cover all of the additional expenses.

If both of these conditions are met, then the following will be approved:

- 6 additional taxicab permits for Checker Cab – these 6 permits must be filled with hybrid vehicles;
- 6 additional taxicab permits for Taxi USA of Tennessee, to be distributed between Allied Cab, Nashville Cab, and 1-800-TAXICAB – these 6 permits must be filled with hybrid vehicles;
- Certificate(s) approved for Volunteer Taxi, Inc. and/or Green Cab, Inc. – with a total of 76 permits – the decisions on these two companies to be decided in July.

**Commissioner Patel** seconded, and the motion passed (3-1).

### **APPLICATION FOR WRECKER DRIVER PERMIT: BOBBY CAMPBELL**

Director McQuiston reported that Mr. Campbell had held a permit from March 2008 until it expired on December 1. The director noted that his background check report included a 2011 conviction for theft, a 2003 conviction for 5 counts of theft over \$500, and a 2002 charge for altering a car tag. The director added that Mr. Campbell had disclosed his arrests, and also brought in a copy of the court judgment on his 2011 charge.

Mr. Campbell appeared with Robert Dunn, representing A. B. Collier Wrecker Service. Mr. Campbell explained the circumstances behind the 2011 arrest. Mr. Dunn spoke on his behalf, noting that Mr. Campbell had been driving for the company for a long time.

**Chair Helen Rogers** asked Mr. Campbell if he had been driving a wrecker since his permit expired on December 1. Mr. Campbell replied that he had, and that he did not know that this would be a problem while his application was pending a Commission hearing. He apologized. **Chair Rogers** directed that A. B. Collier owner David Dunn appear at the January meeting.

**Commissioner Curt Wallen** moved to approve a permit, restricted to A. B. Collier, and to place Mr. Campbell on probation until December 1, 2013.

## **APPLICATION FOR LIVERY COMPANY CERTIFICATE: ACE NASHVILLE LIMO**

The Commission considered an application for a livery certificate of public convenience and necessity submitted by Olusegun Ojo-Daniel, owner of Ace Nashville Limo. Director McQuiston reported that a previous application had been disapproved by the Commission in July because Mr. Ojo-Daniel had operated his livery service without a certificate. The director stated that since July the company had continued to operate without a certificate, and that Airport records showed that his 3 vehicles had made 20 pickups at the Airport since August 1. The director added that Mr. Ojo-Daniel had again appeared before the Commission with his new application on October 25; but at that meeting had stated that he had a character witness who was unable to appear, and had also mentioned some citations – unrelated to his airport trips – that had not yet been disposed in environmental court. The director stated that the Commission had deferred a decision on the application until after the environmental court date.

Director McQuiston stated that following a deferral decision at the October meeting Mr. Ojo-Daniel had complained that the Commission was treating him unfairly by postponing its decision. The director noted that the environmental court date had been postponed again, but he recommended proceeding with the application hearing. He contended that there was ample evidence in the airport reports to recommend disapproval, and that Mr. Ojo-Daniel clearly wanted to have a decision on his application. The director provided copies of the minutes from the July, September and October meetings, as well as reports generated by the Airport's automated vehicle identification system.

Mr. Ojo-Daniel appeared. He stated that he had already explained at the October meeting that he was involved in ministry and used his vehicles for personal use. He stated that Airport reports showed a few trips each month, but that these were on personal business. **Chair Helen Rogers** asked if he was claiming to have gone to the Airport 20 times since August on personal business; Mr. Ojo-Daniel responded that he did not know the exact number. He stated that he had been cited by Inspector Bowling while driving on Briley Parkway with no passengers, and that citations he had been issued were still pending in environmental court. He stated that he was not being treated fairly and was upset about Gray Line and others still operating without a certificate. **Commissioner Sal Hernandez** asked if he also dropped people off at the Airport in connection with his ministry; Mr. Ojo-Daniel responded that he did. **Commissioner Hernandez** noted that according to the reports, he was using the departures level. Mr. Ojo-Daniel stated that he used all levels. He stated that operators should not be charged for going to the departures level, because they were only to be charged for picking up passengers, not dropping them off. Director McQuiston noted that on October 28 the Airport counted Mr. Ojo-Daniel's Suburban five times on the departures level, his Lincoln Town Car seven times on the departure level, and his stretch limousine one time on the departures level: a total of thirteen trips by three different vehicles on the same day. Mr. Ojo-Daniel stated that he was provided a monthly report on trips charged by the Airport, but he did not know about those numbers.

**Chair Rogers** asked Mr. Ojo-Daniel if he had brought any witnesses concerning his ministry; he responded that he had not. **Chair Rogers** asked if he wanted the

Commission to postpone, so that he could bring his witness; Mr. Ojo-Daniel responded that he did not, because he did not want to have to wait for a decision on his application. **Chair Rogers** told Mr. Ojo-Daniel that it was his own statements about having a character witness – who was not able to appear – that resulted in the deferral at the October meeting.

Director McQuiston provided copies of Airport records to Mr. Ojo-Daniel and to Commissioners.

Nashville International Airport - MNA  
Transactions by Vehicle

Ace Nashville Limo (00049)

10/1/2011 12:00:00 AM to 11/3/2011 11:59:59 PM

*Exhibit provided by Staff  
in re: Ace Nashville Limo  
application. Reviewed  
by MC Qiu-Dental and  
Commissioners. 12/20/2011  
Bobby  
Director - Executive*

Vehicle: 001  
Access ID: BNA.00000847

VIN: 30NFK16Z73G205922  
Year: 2003

License Plate: 45H1368  
Make: Chevrolet

Vehicle	Date/Time	Plaza
001	10/2/2011 7:17:00 AM	Departures Level Entrance
001	10/2/2011 7:20:51 AM	Airport Exit
001	10/2/2011 9:43:29 AM	Departures Level Entrance
001	10/2/2011 9:46:57 AM	Airport Exit

Total Transactions for Day: 4

Vehicle	Date/Time	Plaza
001	10/5/2011 10:13:50 AM	Departures Level Entrance
001	10/5/2011 10:17:09 AM	Airport Exit
001	10/5/2011 10:30:17 AM	Departures Level Entrance
001	10/5/2011 10:42:00 AM	Airport Exit

Total Transactions for Day: 4

Vehicle	Date/Time	Plaza
001	10/8/2011 12:47:55 PM	Departures Level Entrance
001	10/8/2011 12:51:48 PM	Airport Exit

Total Transactions for Day: 2

Vehicle	Date/Time	Plaza
001	10/9/2011 4:50:49 AM	Departures Level Entrance
001	10/9/2011 4:58:00 AM	Airport Exit

Total Transactions for Day: 2

Vehicle	Date/Time	Plaza
001	10/13/2011 5:12:34 AM	Departures Level Entrance
001	10/13/2011 5:16:22 AM	Airport Exit

Total Transactions for Day: 2

Vehicle	Date/Time	Plaza
001	10/14/2011 8:33:38 AM	Departures Level Entrance
001	10/14/2011 9:33:22 AM	Airport Exit
001	10/14/2011 7:08:27 AM	Departures Level Entrance
001	10/14/2011 7:11:08 AM	Airport Exit
001	10/14/2011 11:27:36 AM	Departures Level Entrance
001	10/14/2011 11:33:07 AM	Airport Exit

Total Transactions for Day: 6

Vehicle	Date/Time	Plaza
001	10/20/2011 4:03:46 AM	Departures Level Entrance
001	10/20/2011 4:07:10 AM	Airport Exit

Total Transactions for Day: 2

Vehicle	Date/Time	Plaza
001	10/21/2011 6:25:53 AM	Departures Level Entrance
001	10/21/2011 6:29:41 AM	Airport Exit
001	10/21/2011 7:38:00 AM	Departures Level Entrance
001	10/21/2011 7:41:23 AM	Airport Exit
001	10/21/2011 4:49:41 PM	Departures Level Entrance
001	10/21/2011 4:52:07 PM	Airport Exit

Total Transactions for Day: 6

Vehicle	Date/Time	Plaza
001	10/23/2011 5:28:09 AM	Departures Level Entrance
001	10/23/2011 5:29:50 AM	Airport Exit
001	10/23/2011 12:15:55 PM	Departures Level Entrance
001	10/23/2011 12:19:47 PM	Airport Exit

Total Transactions for Day: 4

Vehicle	Date/Time	Plaza
001	10/24/2011 4:43:30 AM	Departures Level Entrance
001	10/24/2011 4:49:20 AM	Airport Exit
001	10/24/2011 9:52:12 AM	Departures Level Entrance
001	10/24/2011 9:55:34 AM	Airport Exit

Total Transactions for Day: 4

Vehicle	Date/Time	Plaza
001	10/25/2011 6:42:14 PM	Commercial Garage Entrance
001	10/25/2011 6:45:07 PM	Airport Exit

Total Transactions for Day: 2

Vehicle	Date/Time	Plaza
001	10/27/2011 8:06:09 AM	Departures Level Entrance
001	10/27/2011 8:09:59 AM	Airport Exit

Total Transactions for Day: 2

Vehicle	Date/Time	Plaza
001	10/28/2011 4:28:23 AM	Departures Level Entrance
001	10/28/2011 4:30:55 AM	Airport Exit
001	10/28/2011 5:12:51 AM	Departures Level Entrance
001	10/28/2011 5:20:40 AM	Airport Exit
001	10/28/2011 11:34:19 AM	Departures Level Entrance
001	10/28/2011 11:37:58 AM	Airport Exit

*Vehicle*

*Oct 28  
vehicle 001*

*Vehicle*

↑

001	10/28/2011 12:41:34 PM	Departures Level Entrance
001	10/28/2011 12:44:30 PM	Airport Exit
001	10/28/2011 3:20:17 PM	Departures Level Entrance
001	10/28/2011 3:24:16 PM	Airport Exit

↑ *Oct 28*  
*Vehicle*

**Total Transactions for Day: 10**

Vehicle	Date/Time	Plaza
001	10/30/2011 7:43:43 AM	Departures Level Entrance
001	10/30/2011 7:59:12 AM	Airport Exit

**Total Transactions for Day: 2**

Vehicle	Date/Time	Plaza
001	10/31/2011 8:03:08 AM	Departures Level Entrance
001	10/31/2011 8:06:21 AM	Airport Exit
001	10/31/2011 3:27:01 PM	Departures Level Entrance
001	10/31/2011 3:29:54 PM	Airport Exit

**Total Transactions for Day: 4**

Vehicle	Date/Time	Plaza
001	11/1/2011 4:54:22 AM	Departures Level Entrance
001	11/1/2011 4:58:17 AM	Airport Exit
001	11/1/2011 6:12:17 AM	Departures Level Entrance
001	11/1/2011 6:16:09 AM	Airport Exit

**Total Transactions for Day: 4**

Vehicle	Date/Time	Plaza
001	11/2/2011 12:43:19 PM	Departures Level Entrance
001	11/2/2011 12:50:08 PM	Airport Exit
001	11/2/2011 4:49:47 PM	Departures Level Entrance
001	11/2/2011 4:53:28 PM	Airport Exit

**Total Transactions for Day: 4**

Vehicle	Date/Time	Plaza
001	11/3/2011 4:41:24 AM	Departures Level Entrance
001	11/3/2011 4:45:30 AM	Airport Exit
001	11/3/2011 6:37:59 AM	Departures Level Entrance
001	11/3/2011 6:43:36 AM	Airport Exit
001	11/3/2011 8:37:14 AM	Departures Level Entrance
001	11/3/2011 8:40:16 AM	Airport Exit

**Total Transactions for Day: 6**

**Total Transactions for Vehicle: 98**

002	10/24/2011 7:32:52 PM	Airport Exit
002	10/24/2011 7:48:00 PM	Commercial Garage Entrance
002	10/24/2011 7:51:16 PM	Airport Exit

Total Transactions for Day: 6

Vehicle	Date/Time	Plaza
002	10/25/2011 5:35:38 AM	Departures Level Entrance
002	10/25/2011 5:39:09 AM	Airport Exit
002	10/25/2011 6:06:21 AM	Departures Level Entrance
002	10/25/2011 6:11:52 AM	Airport Exit
002	10/25/2011 6:52:40 AM	Departures Level Entrance
002	10/25/2011 6:58:46 AM	Airport Exit
002	10/25/2011 9:30:02 AM	Departures Level Entrance
002	10/25/2011 9:53:02 AM	Airport Exit

Total Transactions for Day: 8

Vehicle	Date/Time	Plaza
002	10/26/2011 8:35:26 AM	Departures Level Entrance
002	10/26/2011 8:37:31 AM	Airport Exit
002	10/26/2011 12:25:10 PM	Departures Level Entrance
002	10/26/2011 12:28:04 PM	Airport Exit

Total Transactions for Day: 4

Vehicle	Date/Time	Plaza
002	10/27/2011 5:39:27 AM	Departures Level Entrance
002	10/27/2011 5:44:15 AM	Airport Exit

Total Transactions for Day: 2

Vehicle	Date/Time	Plaza
002	10/28/2011 5:24:15 AM	Departures Level Entrance
002	10/28/2011 5:28:45 AM	Airport Exit
002	10/28/2011 5:55:31 AM	Departures Level Entrance
002	10/28/2011 6:58:36 AM	Airport Exit
002	10/28/2011 6:43:22 AM	Departures Level Entrance
002	10/28/2011 6:47:30 AM	Airport Exit
002	10/28/2011 11:31:12 AM	Departures Level Entrance
002	10/28/2011 11:34:43 AM	Airport Exit
002	10/28/2011 3:06:46 PM	Departures Level Entrance
002	10/28/2011 3:24:21 PM	Airport Exit
002	10/28/2011 3:25:38 PM	Departures Level Entrance
002	10/28/2011 3:28:25 PM	Airport Exit

*Vehicle 2*

*Oct 28  
veh. 002*

*exits from  
re-enters  
a minute later*

Total Transactions for Day: 12

003	10/16/2011 4:18:44 AM	Airport Exit
003	10/16/2011 4:59:38 AM	Departures Level Entrance
003	10/18/2011 5:03:28 AM	Airport Exit
003	10/18/2011 5:35:34 AM	Departures Level Entrance
003	10/18/2011 5:42:31 AM	Airport Exit
003	10/18/2011 6:34:14 AM	Departures Level Entrance
003	10/18/2011 6:40:12 AM	Airport Exit

Total Transactions for Day: 6

Vehicle	Date/Time	Plaza
003	10/23/2011 6:25:47 PM	Departures Level Entrance
003	10/23/2011 6:28:19 PM	Airport Exit

Total Transactions for Day: 2

Vehicle	Date/Time	Plaza
003	10/24/2011 4:50:21 AM	Departures Level Entrance
003	10/24/2011 4:55:07 AM	Airport Exit
003	10/24/2011 6:04:25 AM	Departures Level Entrance
003	10/24/2011 6:06:16 AM	Airport Exit

Total Transactions for Day: 4

*Vehicle*  
*3*

Vehicle	Date/Time	Plaza
003	10/28/2011 5:26:29 AM	Departures Level Entrance
003	10/28/2011 5:29:52 AM	Airport Exit

*Oct 28*  
*Vehicle 003*

Total Transactions for Day: 2

Total Transactions for Vehicle: 10

Grand Total Transactions: 212

The director explained that the Airport's system counted "hits" from vehicle transponders registered by receivers positioned at various locations throughout the Airport. He added that the system used rules built into its software to charge companies for pick-ups, typically based on dwell time on property. The director stated that as a result the system did not necessarily charge a trip fee for every time a vehicle came onto Airport property. The director added that it was not unusual for operators to try to bypass the system by picking up passengers on the departures level. **Commissioner Sam Patel** asked why he should be charged if he drove his personal car to pick up someone on any level. Director McQuiston stated that he understood that the operator could provide an alibi to the Airport for any trip; but he stated that this did not address why anyone would need to take multiple trips to the Airport on the same day, using three different vehicles. **Commissioner Hernandez** asked if there was a way to determine whether Mr. Ojo-Daniel had paid Airport charges for those trips; director McQuiston responded that he had been told by the Airport that payment had not been received. Mr. Ojo-Daniel confirmed that he had not yet paid the charges.

**Commissioner Tom Turner** moved to disapprove the application. **Commissioner Sam Patel** seconded and the motion passed (4-0).

### **COMMISSION MEETING SCHEDULE FOR 2012**

Director McQuiston presented a schedule for the 2012 meetings of the Commission. Following discussion, **Chair Helen Rogers** asked director McQuiston to check with all Commission members and the facility manager to determine if moving the meetings to Thursdays would be possible. She stated that the issue would be discussed at the January 24 meeting.

### **OTHER BUSINESS:**

Director McQuiston stated that Mike Martin had submitted an application to transfer the emergency wrecker license and zone currently operated by Brown's Wrecker Service, and that the public hearing would be scheduled for the January meeting.

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

ATTEST:

APPROVED:

\_\_\_\_\_  
Brian E. McQuiston  
Director-Executive Secretary

\_\_\_\_\_  
Helen S. Rogers  
Chair