

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

Minutes of

July 25, 2006

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville Court facility at 501 Great Circle Road, in Metro Center. The Commissioners present were Vice Chair A. Roger Abramson and Commissioners Ray Dayal, Gladys Lozada, Kim Thompson, and James Utley (5). Also attending were Metro Legal advisor Jason Bergeron, Commission staff members Lisa Steelman and Walter Lawhorn, and Brian McQuiston, Director-Executive Secretary to the Commission.

Vice Chair A. Roger Abramson called the meeting to order and led the Pledge of Allegiance.

The minutes of the June 20, 2006 meeting were unanimously approved.

UPDATE ON LEGISLATION

Director McQuiston reported that two amendments to the taxicab ordinance had been passed. Section 6.72.340 of the Metro Code had been amended to facilitate receiving/discharging passengers when access to the curb lane is blocked by parked cars. Section 6.72.250 had been expanded to permit the Commission to authorize temporary fuel surcharges.

Director McQuiston reported that the wrecker ordinance also had been amended at the request of the Police Department. Section 6.80.550(C) had been expanded to authorize the Police Impound Lot to collect an additional \$200 storage fee for vehicles stored at the Impound lot. He clarified that this amendment would not impact on fees authorized to be charged by wrecker/towing companies for storage at company lots.

PUBLIC HEARING: APPLICATION FOR TRANSFER OF TAXICAB CERTIFICATE

Vice Chair A. Roger Abramson called the public hearing to order, to consider the application for transfer of the Certificate of Public Convenience and Necessity of Checker Cab to Nashville Transportation Incorporated. Mr. Christopher Martin, attorney representing the applicants, provided the Commission with a letter from the Bank of Nashville, certifying the current bank balance and a line of credit. **Commissioner Ray Dayal** asked Mr. Martin if this would be a cash purchase; Mr. Martin answered that it would. **Commissioner Dayal** asked if the new owners were considering making any improvements. Mr. Martin responded that the new owners planned to put credit card machines in the taxicabs, and were considering GPS technology. **Commissioner Dayal** asked about other improvements, such as training and selection of drivers. Mr. Martin responded that the owners were initially looking into cleaning and servicing schedules for the vehicles. When asked about cell phone usage by drivers, Mr. Martin replied that company policy would prohibit the use of cell phones while driving with passengers.

Director McQuiston stated that the application was complete, and that a background check had revealed no adverse findings.

Vice Chair Abramson invited public comment.

Mr. Roger Baker, owner-operator with Checker Cab, stated that he had been a driver with the company for 26 years. He stated that some of the current Checker drivers were forming a new company, "Five Star Taxi," and would be applying for a Certificate.

There was no other public comment, and **Vice Chair Abramson** closed the public hearing.

Commissioner Ray Dayal moved to approve the transfer of Checker Cab to Nashville Transportation Incorporated. **Commissioner Gladys Lozada** seconded, and the motion passed unanimously.

PUBLIC HEARING: WRECKER RATES

Vice Chair A. Roger Abramson reminded Commissioners that the Davidson County Zone Towing Association had presented a proposal for rate increases at the previous Commission meeting. He called the public hearing to order to consider wrecker rate increases, and asked Director McQuiston to provide some background information on the issue.

Director McQuiston stated that the last wrecker rate increases had been approved by the Commission in April 2004, and that an ordinance amendment authorizing them had been passed in February 2005. He added that in September 2005 the Commission had voted to propose a temporary fuel surcharge, and to seek an amendment to the wrecker ordinance that would grant authority to the Commission to approve fuel surcharges for the wrecker industry; however, the Department of Law subsequently had determined that all changes to wrecker rates or fees would require amendment to the ordinance. He provided commissioners with a table of current rates in other cities for comparison purposes.

Vice Chair Abramson asked if any member of the public wanted to speak on the issue. No one responded.

Mr. Randy Bailey, representing the Davidson County Zone Towing Association, appeared before the Commission. He cited increased costs of operation since the previous rate increases were approved in 2004: fuel (up 31%), towing equipment (up 20% - 25%), and property taxes (up 21%). He stated that, in addition to towing and labor rate increases, the proposal also included a new "lien notification fee" of ten dollars – to be added to the storage fee after a vehicle is in storage for ten days – to recover a portion of the direct costs incurred by companies in order to comply with State of Tennessee requirements for notification of vehicle owners or lien holders. He noted that the requested fee amount did not cover the actual amount of a company's direct costs.

Director McQuiston requested that consideration of any amendment to rates contained in the wrecker ordinance should also provide clarification that the GVWR weight standard should be applied in determining appropriate charges, and should clearly differentiate between rates for nonconsent towing at the direction of the Police and rates for nonconsent towing at the request of private property owners. He provided recommended wording to sections 6.80.550(A), 6.80.550(A)(1)(d), and 6.80.550(B) for consideration; and provided a draft of the affected sections of the wrecker ordinance, indicating how each current rate would be impacted by the proposal, and including a new paragraph with the lien notification fee:

6.80.550 Fees charged.

Rate Schedule for Nonconsent Towing

A. Vehicles 7,000 Pounds GVWR and Under:

1. Towing (No additional fees may be charged for using other equipment, including dollies, trailers, lifts, slim-jims, go-jacks, winching, or for mileage*).

a. Vehicles towed to the Metro Impound Lot from inside and including the Inner (I-40/I-24/I-65)

Loop; ~~\$65~~ **\$75**

b. Vehicles towed to Metro Impound Lot from outside the Inner Loop, to and including Briley Parkway/White Bridge Road/Woodmont Avenue/Thompson Lane

Circle; ~~\$75~~ **\$85**

c. Vehicles towed to Metro Impound Lot from outside the Briley Parkway/White Bridge Road/Woodmont Avenue/Thompson Lane circle, to the Davidson County

line; ~~\$85~~ **\$95**

d. Vehicles towed to company lot at the direction of a police officer:

Vehicles involved in an accident..... ~~\$85~~ **\$95**

ii. All other vehicles..... ~~\$75~~ **\$85**

B. Vehicles Over 7,000 Pounds **GVWR**:

1. Base Rates. Base rates apply in the following situations: "Towed vehicles" means those vehicles which can be driven, but are towed to the lot at the request of the owner or police officer. "Driven vehicles" means those vehicles driven to the lot by a wrecker company driver at the request of the owner or police officer. "Wrecked vehicles" means those vehicles that cannot be driven, and must be towed to the lot.

Table 6.80.550(B)(1)

	Towed	Driven	Wrecked
Straight Trucks and Vans: Tandem-Axle, Not Loaded:	\$150 <u>\$170</u>	\$105 <u>\$125</u>	\$170 <u>\$190</u>
Tandem-Axle, Loaded:	\$175 <u>\$215</u>	\$105 <u>\$145</u>	\$195 <u>\$235</u>
Recreational Vehicles: 26 Feet & Under in Length:	\$200 <u>\$240</u>	\$105 <u>\$145</u>	\$220 <u>\$265</u>
Over 26 Feet in Length:	\$140 <u>\$160</u>	\$105 <u>\$125</u>	\$160 <u>\$180</u>
Buses (Large):	\$155 <u>\$195</u>	\$105 <u>\$145</u>	\$175 <u>\$215</u>
	\$200 <u>\$240</u>	\$105 <u>\$145</u>	\$225 <u>\$265</u>

2. Additional Fees. 6.80.550

- a. Hourly rate for necessary preparation or removal of bumpers, drive shafts before towing is possible, and reconnection after towing is one hundred dollars per hour.
- b. Labor rates after first hour for wrecker and driver:
 - i. Class B wrecker ~~\$150 per hour~~ **\$170 per hour**
 - ii. Class C wrecker ~~\$250 per hour~~ **\$290 per hour**
 - iii. Class C rotator, if needed..... ~~\$300 per hour~~ **\$325 per hour**

H. Any towing and storage firm engaged in the business of non-consent towing shall not charge the owner of any towed vehicle or person property in excess of ~~sixty-five~~ **seventy-five** dollars for the removal of a vehicle or personal property or in excess of fifteen dollars per day for storage fees.

The fee of ~~sixty-five~~ **seventy-five** dollars shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service, or for mileage.

I. In addition to the rates authorized above, wrecker companies are authorized to charge a one-time processing fee of ten dollars for any vehicle remaining in storage on the company lot for ten days, to offset direct costs for notification of the owner or lienholder as required by state law.

Commissioner Ray Dayal expressed support for the increases, noting that they were justified because of higher fuel costs. He moved that the proposed changes be approved, including the changes recommended by staff. **Commissioner Gladys Lozada** seconded, and the motion was unanimously approved.

TAXI ISSUE: UNITED CAB PERMITS

Vice Chair A. Roger Abramson noted that, in April 2006, United Cab had been granted an extension until July 25, 2006 to complete the fielding of its digital dispatch technology in all seventy of its taxicabs, a condition placed on the company when it was granted forty additional permits in November 2004.

Mr. Rajbir Singh, co-owner of United Cab, appeared before the Commission. He referred to a letter submitted by the company on July 11, 2006, requesting that the time limit be waived. He explained that the company had completed all the steps necessary for implementation, but that the company's office had been vandalized and equipment had been broken during two break-ins, on June 25 and on July 9. Although the equipment was insured, damage to the computer system, which contained the digital dispatch program and data base, had been extensive; this would necessitate reprogramming. He circulated copies of police reports and photographs of the damage.

Commissioner Gladys Lozada and **Commissioner Ray Dayal** both expressed reservations about any request for open-ended implementation. **Commissioner Dayal** asked about the status of the company's insurance claim, and about the length of time it would take to receive replacement equipment and rebuild the program. He asked if all could be accomplished within three months; Mr. Singh responded that he believed that would be sufficient.

Commissioner Ray Dayal moved to grant United Cab an extension until the October Commission meeting to complete the fielding of its digital dispatch technology in all seventy of its taxicabs. **Commissioner Kim Thompson** seconded, and the motion was unanimously approved.

WRECKER DRIVER APPLICATIONS

Tommy Mathis II: Mr. Mathis appeared before the Commission. Director McQuiston stated that Mr. Mathis' background check had revealed a conviction for two drug-related offenses. **Vice Chair A. Roger Abramson** asked about the convictions; Mr. Mathis responded that he had pled guilty, and had subsequently completed required drug and parenting classes. He also provided a letter from his current employer.

Randy Bailey, of Bailey's Service Center, appeared before the Commission. He told commissioners that Mr. Mathis had been impressive during a one-week training period in 2005, but had not been hired because he was still under investigation for the drug-related charges. Mr. Bailey explained that the company had no current positions available. After some discussion, **Commissioner Gladys Lozada** expressed concern that, without a company willing to hold Mr. Mathis responsible for random drug testing, granting a permit would be inappropriate. **Commissioner Ray Dayal** moved to deny the application. **Commissioner Kim Thompson** seconded, and the motion was unanimously approved.

Kenneth Davis: Mr. Davis appeared with Mr. Doug Williams, owner of Tow Pro Custom Towing. Director McQuiston reported that Mr. Davis had been cited for driving a wrecker without a permit, and had subsequently applied for the permit. Mr. Davis stated that he had been hired to haul cargo, and had not known that he was supposed to have a wrecker driver permit. Mr. Williams explained that Mr. Davis had worked for the company before, and after a break in employment, was re-hired in December 2005 to haul freight. On the day of the citation, he had been asked by a new dispatcher to respond to a call to pick up a vehicle.

Commissioner James Utley asked if Tow Pro would keep him as an employee; Mr. Williams replied that he would. **Commissioner Utley** moved to approve Mr. Davis' application. **Commissioner Ray Dayal** seconded, and the motion was unanimously approved.

Tywan Hatcher: Mr. Hatcher appeared with Mr. Williams of Tow Pro. Director McQuiston stated that Mr. Hatcher had applied for a wrecker driver permit on June 15, but had been informed that his application would have to be referred to the August Commission meeting because of his conviction record. Director McQuiston reported that, while still pending a hearing on his application, Mr. Hatcher had been cited for operating a wrecker without a permit. Mr. Hatcher stated that he had been directed to respond to pick up a vehicle by the company dispatcher.

Vice Chair A. Roger Abramson asked Mr. Hatcher about the convictions contained in his background check; Mr. Hatcher explained that he had convicted, served time and completed probation. **Vice Chair Abramson** asked Mr. Williams if he had known that Mr. Hatcher was driving without a wrecker driver permit. Mr. Williams responded that he had not been aware of this; he explained that the company had hired some new dispatchers, and that the dispatcher had not known about Mr. Hatcher's lack of a permit when the call came for a wrecker. Mr. Williams stated that Mr. Hatcher was a single parent, and had been working for Tow Pro for two months. **Commissioner Ray Dayal** asked if Tow Pro could keep Mr. Hatcher employed in another capacity. Mr. Williams replied that it was possible, but that this would have an adverse effect on Mr. Hatcher's pay, because wrecker driver positions were paid on a higher scale. **Commissioner Dayal** moved to deny the application; there was no second, and the motion failed.

Commissioner Gladys Lozada noted that a temporary permit, restricted to Tow Pro, might be appropriate. **Commissioner Ray Dayal** moved to grant a six-month temporary permit, restricted to Tow Pro Custom Towing. **Commissioner James Utley** seconded, and the motion was unanimously approved.

Vice Chair A. Roger Abramson expressed concern about three Tow Pro drivers being cited for operating wreckers without permits., and told Director McQuiston to place Mr. Williams and Tow Pro Custom Towing on the agenda for an upcoming meeting concerning this problem.

OTHER BUSINESS

Taxi Driver Application – Abdul H. Hussein: Mr. Doug Trimble, President of Yellow Cab, asked the Commission to hear the application of Mr. Abdul H. Hussein to drive a taxicab. Director McQuiston explained that Mr. Hussein's permit had been revoked by the Commission at the April 25, 2006 meeting for fighting at the airport. He had been unable to re-apply for ninety days, which was too late to get on the agenda for the July 25 meeting, but he had completed all the requirements for the new application.

Vice Chair A. Roger Abramson asked if the Commission could hear the application, as it had not been on the agenda fifteen days prior to the meeting; Director McQuiston answered that this was allowable, at the Commission's discretion. **Commissioner Ray Dayal** moved to hear the application. **Commissioner James Utley** seconded, and the motion was unanimously approved.

Mr. Hussein appeared before the Commission with Mr. Trimble. **Commissioner Dayal** asked Mr. Hussein what he had been doing since his permit was revoked; Mr. Hussein responded that he had been unemployed. **Commissioner Dayal** moved to approve the application. **Commissioner Gladys Lozada** asked if **Commissioner Dayal** would accept a friendly amendment: to approve a temporary permit for a period of six months, restricted to Yellow Cab; and to place Mr. Hussein on probation until his reappearance at the January 2007 Commission meeting. **Commissioner Dayal** accepted, and moved the amendment. **Commissioner James Utley** seconded, and the motion was unanimously approved.

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

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Cynthia M. Odle
Chair