

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

**Minutes of  
June 22, 2010**

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Justice A. A. Birch Building. The Commissioners present were Chair Helen Rogers, Vice Chair Mary Griffin, and Commissioners Jennifer Brundige and Ed Whitmore (4). Also attending were Metro Legal advisor Corey Harkey; Commission staff members Milton Bowling, Walter Lawhorn 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.

The minutes of the April 27, 2010 meeting and the minutes of the May 25, 2010 meeting were approved.

**PUBLIC HEARING: NEW TAXICAB RULE ON REQUIRED DOCUMENTATION**

Director McQuiston reported that this was a public hearing on a proposed new Taxicabs Rule to establish additional requirements related to taxicab operating records. He noted that the taxicabs ordinance authorized the Commission to add to company record-keeping requirements. The director stated that a recent police criminal investigation had highlighted a problem with having dispatch records retained by the company while daily manifests were retained by the taxicab vehicle owner, as well as a lack of specificity in terms of information that should be included in the company dispatch records. He emphasized that the purpose of this hearing was not to find fault, but to ensure that records would include appropriate information and be accessible. He proposed the following as a new Taxicabs Rule 37:

**RULE 37. DOCUMENTATION REQUIREMENTS**

**Taxicab Company daily dispatch records will include the full names and taxicab permit numbers of drivers associated with each taxicab while it is in service. All logs must include when the driver reported in and out of service for each shift. Records will be kept of all dispatch calls, airport departures and company-directed contract calls assigned to the driver.**

**Taxicab drivers are solely responsible for the maintenance and accuracy of daily manifests. In addition to the requirement for taxicab vehicle owners to maintain copies of driver daily manifests, each week taxicab vehicle owners will provide the taxicab company with copies of all daily manifests collected from the drivers. Taxicab companies will retain these copies for a period of twelve months.**

**Certificate holders must make these records available for inspection by the Commission staff or Police investigators within 72 hours of receiving an official request for information.**

**Chair Helen Rogers** invited public comment.

Kuldip Singh Mann, owner of United Cab, proposed an alternative solution, to require that drivers maintain a log book, with entries required every day, and which would include additional information. He also proposed that the company dispatch logs could include additional information currently being kept on the driver's daily manifest. He clarified that he was in favor of the additional information as proposed in the new rule, but not in favor of the way the rule proposed it should be kept. He recommended that more of the record-keeping burden should be on the driver, not on the company.

Jim Burrow, manager of Taxi USA of TN, stated that the rule would require additional effort, but noted that it had clarified that the company would not be responsible for the accuracy of daily manifests prepared by drivers. He noted that the company's computerized dispatch system already captured the additional information required for company dispatch records.

Emmanuel Akre, driver, stated that he already maintained the daily manifests as required by the ordinance. He opposed the proposed rule, because he was concerned about its potential adverse impact on his income, in that it would open up the possibility of more citations by police, or of a higher lick imposed by the company.

Abdulkadir Gure, representing the Nashville Metro Taxi Drivers' Alliance, stated that drivers opposed the requirement because the taxicab companies had neither the business resources nor the security means to maintain the additional records.

Johnny White, co-owner of American Music City Taxi, stated that he was not opposed to the information required to be maintained in the company dispatch records, but was opposed to the requirement to store hundreds of daily manifests, the accuracy of which could not be verified. He stated that the real problem was that some drivers were not maintaining daily manifests; this could be solved if inspectors would cite offenders at the airport. He added that the company did not have the staff or storage space to keep the additional records.

Doug Trimble, president of Yellow Cab, stated that his vehicle owners were opposed to having to turn in copies of the daily manifests to the company. He stated that the drivers should turn in the daily manifests to the vehicle owners, who should then turn them in directly to the commission office on request.

**Chair Rogers** closed the hearing for public comment. She asked the director to explain why the police had expressed interest. The director stated that the police had been investigating a charge against a Yellow Cab driver, and had required records from the company; the dispatch records had not been very useful, because they did not include some specific information. The director added that the investigators were also unable to draw conclusions because additional information which could have been found in the drivers' daily manifests was not available at the company. Director McQuiston noted that computerized GPS-based dispatch systems could provide a solution to most of the record-keeping problems. He noted that some cities had mandated such systems, but that they were expensive.

Discussion followed. **Commissioner Jennifer Brundige** questioned whether the company would be responsible to make sure that daily manifests were turned in, even if they were not responsible for their accuracy. Inspector Lawhorn asked if companies with computerized dispatch systems already had the information which would be

provided in daily manifests. He noted that only United Cab and Yellow Cab, with a combined 195 permits, did not already have computerized dispatch systems. Director McQuiston noted that there were over 560 taxicab permits. Inspector Lawhorn stated that in addition to its basic dispatch log record, Yellow Cab kept a trip sheet with additional information on each dispatch call. He added that daily manifests kept by drivers were often inaccurate. Director McQuiston stated that the company records did not include all trips made by drivers: for example, drivers could take personal calls, wait on cab stands, or pick up passengers who hailed them.

**Commissioner Brundige** moved to approve the new Rule as presented. **Vice Chair Mary Griffin** seconded, and the motion passed (3-0).

### **WRECKER DRIVER PERMIT APPLICATIONS:**

**Kenneth Blair:** Mr. Blair appeared. Director McQuiston reported that Mr. Blair had applied for a wrecker driver permit on May 11, to drive for Express Towing. The director provided copies of the application, and the background check, and noted that Mr. Blair had disclosed 15 arrests, but had failed to disclose an assault charge. He stated that the staff was concerned both about the nature of the offenses on Mr. Blair's record and that he would be working for a company which performed nonconsent towing. **Chair Helen Rogers** asked about a 2003 arrest for unlawful removal of a plate or decal. Mr. Blair stated that he remembered paying a fine for an expired tag. **Vice Chair Mary Griffin** asked about a 1991 conviction for homicide – negligent manslaughter – vehicle; Mr. Blair responded that there had been a confrontation over an unpaid tow bill, and the other person had left him no choice. **Commissioner Jennifer Brundige** asked if he had been to any anger management classes; Mr. Blair responded that he had not. No one from Express Towing appeared. Mr. Blair stated that he had started another job, driving a truck, and would not be working for Express Towing. **Vice Chair Griffin** moved to disapprove the application. **Commissioner Brundige** seconded, and the motion passed (3-0).

**Joseph Buchanan:** Mr. Buchanan failed to appear. **Commissioner Jennifer Brundige** moved to disapprove the application. **Vice Chair Mary Griffin** seconded, and the motion passed (3-0).

**Jesse Pitts:** Mr. Pitts did not appear. **Vice Chair Mary Griffin** moved to disapprove the application. **Commissioner Jennifer Brundige** seconded, and the motion passed (3-0).

### **TAXICAB DRIVER PERMIT APPLICATION: DEAN R. BROWN**

Director McQuiston reported that Mr. Brown had applied for a taxicab driver permit on May 3, to drive for American Music City Taxi, and had disclosed all arrests; including two DUIs in 1990, a Possession conviction in 2003, and a conviction for Boating Under the Influence in July 2006. The director stated that the taxicabs ordinance specified that an applicant would be ineligible for a permit if convicted within the past five years for driving under the influence, if the offense involved injury or death. He stated that for this reason, and because of Mr. Brown's other impairment-related arrests, the application

had been forwarded for the Commission's decision. Mr. Brown appeared. He stated that there had been no injury or death involved in the boating incident. **Vice Chair Mary Griffin** asked Mr. Brown if he would object to random drug tests; he responded that he would not. Johnny White, co-owner of American Music City Taxi, stated that he did not know Mr. Brown, and had not approved his affiliation with the company. Director McQuiston referred Commissioners to Mr. Brown's application, which included an affiliation form signed by Mr. White. Mr. White inspected the document; it was not his signature. Mr. Brown stated that someone named Cathy had provided him with the form. Mr. White stated that he had a dispatcher by that name, but she could not approve drivers. **Vice Chair Griffin** moved to disapprove the application because of the forged affiliation form. **Commissioner Jennifer Brundige** seconded, and the motion passed (3-0).

### **ANNUAL PUBLIC HEARING ON EMERGENCY WRECKER SERVICE ZONES**

Director McQuiston stated that the purpose of establishing emergency wrecker zones was to ensure response to the Police for public safety. He noted that section 6.80.545 of the Metro Code required that the Commission hold a public hearing once each year 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." He noted that the Police Department, Emergency Communications Center, and TDOT HELP had been invited to participate in the hearing, and that Commissioners had been provided with a report on all complaints received during the past year. The director stated that, because the May 2010 flood had been such a significant event during the past year and had presented a unique opportunity to stress and evaluate the efficiency and suitability of the emergency wrecker system, he had asked company owners to include any issues that had significant impact on their companies in their comments to the Commission at this hearing.

No representatives from the Police or Emergency Communications Center appeared, and the director reported that no written comments from those departments had been received. Director McQuiston stated that he would be visiting with representatives of the ECC in July.

Frank Horne, Director of Highway Incident Management at TDOT, appeared. He reported that there had been one After Action Review following a major incident in August 2009, and that there had been recommendations for improvement by the company. He stated that the multi-agency Nashville Area Incident Management Task Force met regularly to work on measures to improve safe, quick clearance; and that the Commission and some of the emergency wrecker companies had been active participants. He stated that the emergency wrecker system had worked well, but that there was still room for improvement.

Representatives from the emergency wrecker companies appeared:

Anchor Towing & Recovery – John Stancil. **Chair Helen Rogers** noted that 3 of the 13 complaints received about emergency wrecker companies during the past year had been about Anchor.

Bailey's Wrecker Service – Randy Bailey. **Commissioner Ed Whitmore** commended Bailey's for performing many free tows during the flood period. Mr. Bailey thanked him, and noted that many other emergency companies had done likewise.

A.B. Collier Wrecker Service – David Dunn. He stated that, like other companies, A.B. Collier had waived storage during the flood. Director McQuiston noted that the company had added a second C Class wrecker during the past year. The director also clarified that all emergency wrecker companies had agreed to waive storage fees for seven days for uninsured vehicles damaged by the flood.

Brown's Wrecker Service – Gary Brown. He expressed concern about the appearance of out-of-state wreckers during the flood.

Carter's – James Carter.

Chapman's Wrecker Service – John Graham.

Cotton's Towing – Robert Dean. He commended Larry Boggs of West Nashville Wrecker Service for organizing the collective efforts of several emergency wrecker companies to clear Interstate 24 when the flood closed it down on the night of May 1-2. Director McQuiston asked about the status of the zone transfer; Mr. Dean responded that he had earnest money, but was still working on closing the business deal. **Vice Chair Mary Griffin** asked how long it took to dispose of uninsured and unclaimed vehicles. Mr. Dean responded that it depended on the amount of time it took to get the State to release the vehicle title, but that it was typically 3 months.

Dad's Towing – Jim Mitchell. **Chair Rogers** noted that there had been one complaint during the past year; Inspector Bowling stated that this had been verified as a consensual tow, and was not a violation. Director McQuiston reported that, because there had been so many flood-damaged cars towed, there had been a concern that the companies' storage lots would not have enough room to store them all. He noted that Dad's and Martin's had been approved by Codes to use additional lots for temporary overflow storage lots, if needed. Mr. Mitchell stated that use of the additional space had not become necessary.

Donelson Wrecker Service – Larry Neltner.

Gary's Garage – Gary Ray. He stated that the company was working on some boundary disputes.

Hillwood Wrecker Service – Myrtis Shope. Reported that Bellevue had been greatly impacted by the flood. **Chair Rogers** noted that there had been one complaint during the past year. Mrs. Shope stated that another wrecker company had picked up a vehicle from her lot a day earlier than had been scheduled; but based on the planned pick-up, she had prepared the invoice a day earlier, resulting in an overcharge of one day's storage. She stated that the difference had been refunded.

Martin's Wrecker Service and Mike's Custom Towing – Mike Martin. He reported that a wrecker had been lost while helping to rescue a vehicle from flooding near the fairgrounds. He also reported that the temporary storage lot approved by Codes had not become necessary.

Smith's Car Care Center – Victor Smith. **Chair Rogers** noted that the company still had one unresolved complaint. Director McQuiston explained that Inspector Bowling had requested records on one vehicle, but had been provided with documents for a different vehicle.

Tommy's Wrecker Service – Tommy Goddard.

Tow Pro – David Williams.

West Nashville Wrecker Service – Larry Boggs. He stated that the company had responded to 5200 flood-related calls in 19 days; 27 were heavy-duty calls, and 11 of those were under water. He stated that 143 vehicles had been removed by the companies from I-24 on the first night in response to TEMA's call.

Director McQuiston responded to Mr. Brown's concern about out-of-state wreckers. He reported that insurance companies had done a terrific job of quickly processing claims to declare flood-damaged vehicles as total losses; and that their contracts for removal of those vehicles from the county had been the key to avoiding a crisis of inadequate long-term wrecker storage lot capacity. He stated that these insurance companies had standing contracts with United Road Towing and others to assist with transporting their processed/totaled vehicles to locations for disposal outside of Davidson County. The director stated that he had approved temporary wrecker decals for these vehicles – through West Nashville Wrecker Service for the United Road Towing vehicles, and through Tow Pro for vehicles brought in by Copart. The decals had been approved for out-of-region wreckers only, to ensure that they would not remain in the county, operating as illegal wreckers after they finished their contracted work. He added that the prevention of auto theft by unlicensed wreckers during the crisis period had been a priority, and that the vehicle decals had enabled Police and Commission Inspectors to easily identify and turn away unlicensed wreckers.

Director McQuiston also reported on the impact of the flood on communications with the Metro Police Impound Lot. He stated that the Impound Lot had been partially flooded and had lost telephone and fax communications early on May 2. As a result, the 862-7800 number that wrecker companies depended on to report all nonconsent tows to the Police Department, and which vehicle owners depended on to locate their missing vehicles, was not operating. He added that cell phone back-up numbers were not available at the Impound Lot to receive the wrecker companies' reports until May 12, and the regular telephone line was not restored by AT&T until May 19. During the interim, the Commission office had collected daily faxed reports from the emergency wrecker companies, and had scanned and forwarded them to the Impound Lot by email. As a result, Police were able to check these lists against their reports of stolen vehicles; however, citizens still had to call the many wrecker companies to try to locate their vehicles.

There were no requests or recommendations received for zone boundary changes.

### **OTHER BUSINESS:**

Director McQuiston reported that the Metro Council had passed the new ordinance, Metro Code Chapter 6.74, to regulate Other Passenger Vehicles For Hire, and that the bill had been forwarded to the Mayor for approval.

Director McQuiston reported that despite the recent flood disaster, the CMA Music Festival had been very successful; and a highlight had been the excellent cooperation between taxicab company owners, Police, and event planners to manage taxicab operations at LP Field. He stated that as a result of this cooperation and on-site participation by taxicab company management and Commission Inspectors, the management of traffic flow and of passenger pick-up and drop-off locations had ensured excellent customer service for passengers and a financially rewarding experience for drivers. Inspector Lawhorn presented certificates of appreciation to the following for their key contributions to the effort:

Doug Trimble  
Michelle Qualls  
Jackie Thompson

Jim Burrow  
Johnny White  
Jolanta Kempa  
Carolina Rivas

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

ATTEST:

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Brian E. McQuiston  
Director-Executive Secretary

APPROVED:

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Helen S. Rogers  
Chair