

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

Minutes of

June 26, 2007

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 Holly Sharp, Vice Chair Helen Rogers, and Commissioners Ray Dayal, Duane McGray, Kim Thompson, and James Utley (6). Also attending were Commission staff members Milton Bowling, Walter Lawhorn and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Holly Sharp welcomed Duane McGray to the Commission. She noted that this meeting would include the annual public hearing on emergency wrecker services, and called the meeting to order and read the Notice of Appeal statement, advising of the right to appeal decisions of the Transportation Licensing Commission.

The minutes of the May 22, 2007 meeting were unanimously approved.

LEGISLATION UPDATE

Director McQuiston provided an update on legislation affecting wrecker companies, including ordinance changes since the last annual public hearing and bills currently under consideration by the Metro Council. He stated that the requirement for statewide background checks on all applicants for wrecker driver permits, including renewal permits, would go into effect on July 1, 2007.

Director McQuiston reported that, following up on Commission discussions at the May 22, 2007 meeting, a letter had been drafted to provide guidance for wrecker companies related to T.C.A. 55-16-112; this letter was pending review by the Metro Department of Law. He stated that an amendment to the statute – allowing private property owners to assign or delegate authority to approve nonconsent tows – was needed, and urged the Commission to approve a resolution requesting such a change.

The director also provided Commissioners with a list of issues identified by the staff that would require Rules or ordinance changes and/or additional resources, and stated that these would be brought before the Commission at future public hearings. He stated that two issues related to public safety were especially urgent. The first of these was the need to bring Other Passenger Vehicles For Hire under the authority of the Commission; this would require a new ordinance and additional staff resources. The second was a problem identified with traffic tickets for moving vehicle violations, including careless driving, not appearing on official state driver records; this negated the effect of regulations and the screening process for taxi and carriage driver permits. He stated that one of the root causes of this problem was that drivers – including taxicab drivers - were allowed to attend traffic school multiple times in Davidson County. In addition, some convictions in Traffic Court simply did not appear on the

Department of Safety's official records; the cause for this was not known. **Chair Holly Sharp** expressed concern and a willingness to become involved in pursuit of solutions.

ANNUAL PUBLIC HEARING: EMERGENCY WRECKER SERVICE ZONES

Chair Holly Sharp called the annual public hearing to order. She stated that the purpose of the annual public hearing was to review the efficiency and suitability of the emergency wrecker service zones, and to allow the operators an opportunity to address any significant issues in their companies or zones. She invited representatives of the Metropolitan Nashville Police Department, the Emergency Communications Center and the TDOT HELP Program to appear to provide inputs to the Commission.

Lieutenant Charles Beasley, head over the MNPD Impound Lot, appeared before the Commission. He stated that there were no complaints or concerns with any of the emergency wrecker services. He introduced Sergeant Marvin Keith, representing the MNPD on patrol issues. Sergeant Keith stated that he had no issues related to the emergency wrecker services. Director McQuiston noted that a priority for enforcement was to ensure that wrecker companies and drivers operating in the metropolitan area are licensed, and asked Sergeant Keith how officers were able to access updated information on licensed wrecker companies. Sergeant Keith stated that the updates were available through the MPD page on Police computers.

Frank Horne, Director of Highway Incident Management for the Tennessee Department of Transportation, appeared. He informed Commissioners that his organization managed the TDOT HELP Program, and stated that they were pleased with the response of the zone operators. He highlighted that the primary concerns of his emergency responders were safety and expeditious clearance of accidents. Director McQuiston asked how TDOT HELP responders requested emergency wrecker support. Mr. Horne stated that TDOT had a dispatch center at Centennial Boulevard; if an incident took place within the metropolitan area, these dispatchers were instructed to contact the Metro Emergency Communications Center for dispatch of the appropriate emergency wrecker company to the scene. He added that TDOT would soon be adding more emergency reference markers on Briley and Ellington Parkways, which would improve accident location identification. Commissioner McGray asked about plans to expand the SmartWay system beyond Route 840, to help to divert traffic around Nashville in case of a major emergency. Mr. Horne noted that Phase II plans were to reach beyond I-440.

Chair Sharp noted that the staff had provided a list of complaints received during the past year. She invited the zone operators to appear in turn to discuss any issues or concerns in their zones. She noted that some companies had requested boundary changes, but asked that any discussion on this be deferred until all zones had appeared.

West Nashville Wrecker Service: General Manager Larry Boggs appeared, with Tom Tedford, Vice President of United Road Towing and Michael McGovern, attorney. Mr. Tedford expressed concern that legislation incorporating rate increases approved by the Commission in July 2006 had not been forwarded to the Metro Council, and cited continued increases in operating costs. Director McQuiston stated that the only complaint had been filed in July 2006, related to late notification of the owner and storage fees. Investigation had shown that a lack of interoperability between the Tennessee Department of Safety Title Division and its agency counterpart in Virginia had caused a long delay in identifying the owner. Subsequently, West Nashville had released the vehicle, dropping all storage fees, and the complaint was

closed.

Tow Pro: Doug Williams, owner, appeared. He had no issues to bring forward.

Tommy's Wrecker Service: Tommy Goddard, owner, appeared. He had no issues to bring forward.

Smith Car Care Center: Victor Smith, owner, appeared. He had no issues to bring forward.

Nashville Towing and Recovery: Darrell Greer, owner, appeared. **Chair Sharp** asked about a complaint from the ECC in August 2006. Director McQuiston stated that the company had been responding to a zone call already, and the company dispatcher had failed to pass on the call to their backup in time.

Martin's Wrecker Service: Mike Martin, owner, appeared. He had no issues to bring forward.

Hillwood Wrecker Service: Myrtis Shope, co-owner, appeared. She had no issues to bring forward.

Gary's Garage and Wrecker: Gary Ray, owner, appeared. He had no issues to bring forward.

Donelson Wrecker Service: Christine Shelton, owner, appeared. **Chair Sharp** asked about a complaint from the ECC in August 2006. Director McQuiston stated that the response from Donelson to the Commission had been satisfactory.

Custom Towing: Brenda Vanderpool, owner, appeared. She had no issues to bring forward.

Cotton's Wrecker Service: Robert Dean, owner, appeared. **Chair Sharp** asked about a complaint from the MNPD in December 2006. Inspector Bowling stated that he had visited Cotton's after receiving the complaint, and was satisfied that the necessary corrective action had been taken.

Chapman's Wrecker Service: John Graham, owner, appeared. He had no issues to bring forward.

Carter's Wrecker Service: Randy Bailey appeared on behalf of Jimmy Carter, owner, who had an accident the day before the hearing and could not attend. Mr. Bailey stated that Mr. Carter had no issues to bring forward.

Brown's Wrecker Service: Gary Brown, owner, appeared. He stated that there had been some problems with Goodlettsville Police calling for the wrong zone wrecker, but that Goodlettsville now had the appropriate maps, and the problem appeared to be solved. **Chair Sharp** asked about four complaints from the ECC in September and October 2006. Mr. Brown stated that he and his wife had both had surgery and a key employee had quit at that time. **Chair Sharp** asked if everything was back in order at his company; Mr. Brown stated that it was.

Bailey's Service Center: Randy Bailey appeared. He had no issues to bring forward.

A.B. Collier Wrecker Service: David Dunn, manager, appeared on behalf of owner Scott Heinrich. He had no issues to bring forward. **Chair Sharp** asked Mr. Dunn to convey the regards of the Commission to Mr. Heinrich.

Chair Sharp noted that requests had been received for changes to the zone boundaries. She asked Director McQuiston to report. Director McQuiston noted that a process for requesting zone changes and for reviewing such requests had been initiated. This process had yielded requests from Brown's, Bailey's, and Chapman's for changes to zone boundaries; in all cases, for additional territory. He stated that these requests had been forwarded to their affected neighbors; in all cases, the other zone operators were unwilling to give up parts of their zones unless it was judged that they were not serving their zones satisfactorily. He noted that the MNPD had not reported that any company was performing in an unsatisfactory manner, and recommended no changes to the existing zones. **Vice Chair Helen Rogers** requested that the Commission review the requests and responses submitted, and make a decision on any boundary changes at the next meeting. **Chair Sharp** stated that the decision would be tabled until the July meeting, which would be chaired by **Vice Chair Rogers**.

WRECKER DRIVER APPLICATION: RICHARD HORTON

Richard Horton appeared before the Commission with Myrtis Shope, co-owner of Hillwood Wrecker Service. **Chair Holly Sharp** informed Mr. Horton that his permit application had been referred to the Commission because his background check had revealed some convictions, which he should be prepared to address. She asked him why he should be granted a permit. Mr. Horton replied that his convictions had resulted from a past drinking problem. He stated that he had been sober for many years, and that he had a clean record for ten years. **Vice Chair Helen Rogers** noted that Mr. Horton had failed to disclose all of his convictions on his application. Mrs. Shope spoke on Mr. Horton's behalf. She stated that he had worked for her before, and that she considered him to be very honest and dependable. **Chair Sharp** asked if the company would accept responsibility; Mrs. Shope responded that she would. **Vice Chair Rogers** moved to approve a permit, with the stipulation that it be restricted to Hillwood Wrecker Service for a six months probationary period. **Commissioner James Utley** seconded, and the motion passed unanimously (5-0).

OTHER BUSINESS

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

ATTEST:

Brian E. McQuiston
Director-Executive Secretary

APPROVED:

Holland Conner Sharp
Chair