

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

**Minutes of
July 27, 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 Acting Chair Tom Turner and Commissioners Jennifer Brundige, Ed Whitmore, and Brian Winfrey (4). Also attending were Metro Legal advisor Corey Harkey; Commission staff members Walter Lawhorn and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

Acting Chair Tom Turner called the meeting to order. He 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 June 22, 2010 meeting were approved.

WRECKER DRIVER PERMIT APPLICATIONS:

Fred Baker: Mr. Baker appeared before the Commission. Director McQuiston reported that Mr. Baker had applied for an initial wrecker driver permit in May 2010, to drive for Express Towing, which was approved to perform nonconsent towing from private property. The director reported that Mr. Baker had not disclosed charges of probation violations in 2003 and 2006. He asked Mr. Baker if he had received an "F" endorsement on his driver's license; Mr. Baker responded that he had not, because he was waiting to see if his permit would be approved. A representative from Express Towing appeared with Mr. Baker. **Acting Chair Tom Turner** noted that the Commission had been consistent in disapproving applications if the applicant failed to disclose; and he informed Mr. Baker about the undisclosed charges appearing on his background check. Mr. Baker stated that he thought he had written those on his application. He stated that he had gone out of town, which caused the probation violations; but added that he was no longer on probation. **Commissioner Jennifer Brundige** asked if he had driven a wrecker before; Mr. Baker stated that he had driven in LaVergne several years ago. She asked if he was aware of the requirements for nonconsent towing; he responded that he had scanned the ordinance, but had not studied it. **Commissioner Ed Whitmore** asked Mr. Baker if the other violations shown on the background check were correct; Mr. Baker answered that they were, but he had forgotten them. **Commissioner Brundige** moved to disapprove the application. **Commissioner Whitmore** seconded, and the motion passed (3-0).

Adam Crocker: Mr. Crocker appeared. Director McQuiston reported that Mr. Crocker had held a permit from 1998 until it expired in December 2005, and was driving for American Locators & Recovery, a repossession company owned by his father. The director reported that Mr. Crocker had applied for a permit in March, but had an open charge; as a result, the hearing on his application had been deferred. The director

stated that the case had been disposed, and he provided Commissioners with copies of his Criminal Court conviction record and of a court order related to the case which had been provided on July 26. The order showed that Mr. Crocker had been found guilty of an implied consent violation, and that as a result his driving privileges had been restricted as follows:

Monday – Friday only; 9:00AM – 9:00PM and 3:00AM – 7:00AM

Must carry an Appointment Book

Temporary Permit only, until October 26, 2010.

The director pointed out that in addition to the Implied Consent violation, the Criminal Court record showed that Mr. Crocker had also been found guilty of Reckless Driving.

Director McQuiston noted that Ray Crocker, father of the applicant and owner of American Locators, had a pre-surgery appointment and was unable to appear; but was supportive of his son's application. The director added that American Locators had been operating without a license from December 2007 until March 2010.

Acting Chair Tom Turner asked Mr. Crocker about a 2008 speeding ticket that had been attributed to him in a media report about fixed traffic tickets; Mr. Crocker stated that he did not remember anything specific about such a ticket, but acknowledged that it was possible that he did receive it. **Commissioner Jennifer Brundige** asked if he had driven a wrecker since his last permit had expired. Mr. Crocker admitted that he had; he stated that his father had believed that his repossession company did not have to have a wrecker company license. He added that in the future he would always renew his permit. **Commissioner Brundige** asked if he was charged with the Reckless Driving and Implied Consent violations while operating a wrecker; he responded that he had been driving his car.

Commissioner Brundige moved to approve a temporary wrecker driver permit, restricted to American Locators & Recovery, until October 26, 2010; to place Mr. Crocker on probation; and to further restrict the permit to the specific days and times and other restrictions included in the July 22, 2010 Order for Restricted Driver License:

Monday – Friday only; 9:00AM – 9:00PM and 3:00AM – 7:00AM; and must carry an Appointment Book. **Commissioner Whitmore** seconded, and the motion passed (3-0).

Acting Chair Turner clarified that Mr. Crocker would be required to reappear before the Commission at the October meeting, in order to review his performance and consider whether to extend his permit.

James Whitworth: Mr. Whitworth was not present. **Acting Chair Tom Turner** directed that his application hearing be moved to the end of the meeting, in order to give him time to appear.

PUBLIC HEARING: PROPOSED TAXICAB STANDS

Director McQuiston reported that the Commission had not held a hearing concerning taxicab stands in at least six years, and that much had changed in downtown Nashville during that period. He stated that the ordinance authorized the Transportation Licensing Commission to establish taxicab stands, and to eliminate any unnecessary stands. He noted that the ordinance also established procedures for the Traffic and Parking Commission to assess traffic conditions at the taxicab stands' locations and thereafter submit their written recommendations to the Transportation Licensing Commission. The director noted that Corey Harkey was the legal advisor to both commissions. He stated

that two taxi driver organizations had submitted lists of proposed new taxicab stand locations, and that these proposals were included in the packets provided to the Commissioners.

Director McQuiston noted that the spokesman for the Nashville Metro Taxi Drivers Alliance, Mr. Awwad, had to depart the meeting because his wife was undergoing open heart surgery. **Acting Chair Tom Turner** suggested that the issue might be deferred for decision; but Commissioners agreed to proceed with the public hearing so that they could receive information and feedback on the proposals submitted.

Acting Chair Turner opened the hearing for public comment.

Jim Burrow, manager of Taxi USA of TN, supported the addition of new stands. He stated that these had been needed for many years. He cited problems drivers encountered because they had no place to stop downtown. He noted that the positive experience with temporary stands at LP Field during the CMA Music Festival had demonstrated how these taxicab stands reduced congestion and benefitted the public. **Acting Chair Turner** asked which locations would be most beneficial; Mr. Burrow responded that LP Field, the Bridgestone Arena, and other high-usage tourist venues would benefit.

Michael Kaiser, driver, supported the addition of new stands. He stated that there were many new tourist destinations since the current stands had been approved. He noted that there was only one stand on Broadway, and it was only a stand after 6:00pm. He recommended different curb colors/more noticeable signage for taxicab stands and 15-minute parking spots that could be used by taxi drivers.

Dietrich Johnson, representing the USW/Nashville Taxi Drivers organization, stated that he would support the list of proposed stands submitted by the Nashville Metro Taxi Drivers Alliance.

Johnny White, co-owner of American Music City Taxi, stated that more stands were needed in high traffic areas. He stated that “staging areas” would also help to reduce congestion of cabs cruising downtown.

Ahmed Abukar, driver, stated that there were almost no places for a taxicab to stop or stand downtown without getting a ticket.

There were no other public comments, and the hearing was closed.

Acting Chair Turner stated that a current list of approved stands should be considered along with any recommendations for additional stands. **Commissioner Jennifer Brundige** stated that it would be helpful to have a combined/single list. Director McQuiston suggested that the list parameters should not be overly specific, in order to allow the Traffic and Parking Commission flexibility in identifying spaces; Legal Advisor Harkey agreed that this could be helpful to them. **Acting Chair Turner** added that a map showing the proposed locations would be appreciated at a new hearing. Director McQuiston stated that he would meet with the driver organizations and taxicab companies to develop a single list which could be presented at a future meeting for decision. He stated that he would attempt to have a proposal ready for the August meeting.

WRECKER DRIVER PERMIT APPLICATION:

James Whitworth: Mr. Whitworth did not appear. **Commissioner Jennifer Brundige** moved to disapprove the application. **Commissioner Brian Winfrey** seconded, and the motion passed (3-0).

OTHER BUSINESS:

Director McQuiston stated that the August meeting agenda would include a public hearing on the amount of the fee to be charged for new applications for certificates of public convenience and necessity filed by Other Passenger Vehicles For Hire services.

Director McQuiston stated that nondisclosure on wrecker driver permit applications was a frequent problem. He stated that the Commission's Taxicab Rules disqualified such applications from consideration by the Commission, and that he would present a proposal for an Administration Rule at the next meeting to extend that disqualification for nondisclosure to all driver permit applications. He noted that this proposal would also require a public hearing.

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

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Helen S. Rogers
Chair