

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

**Minutes
October 28, 2021**

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (TLC) met for a regular meeting on this date in the Jury Assembly Room of the Historic Davidson County Courthouse. Present were Chair Sal Hernandez, Vice Chair Patrick McNally and Commissioners Carey Rogers and Carol Westlake (4). Present were Metro Legal Advises Theresa Costonis along with TLC staff members Lisa Steelman and Billy Fields.

The Chair called the meeting to order then led the Pledge of Allegiance followed by a reading of the Notice of Appeal Statement which outlined the right of appeal of TLC decisions.

Vice Chair McNally with a second from Commissioner Westlake moved approval of the previous meeting minutes:

ACTION: Approved 3-0

Public Hearings

The Chair stated there were three public hearings planned for today then asked Director Fields to explain.

Director Fields explained that the first public hearing was the purpose of consideration of requests for additional horse-drawn carriage operation permits by Southern Comfort Carriages (seven additional carriages) and Sugar Creek Carriages (4 additional carriages). He said there were no new company applications to be considered.

The Chair opened the public hearing and following individuals spoke:

Andrea Arnold	Gary Blackburn
Tom Turner	Johnny Smith
Commander Jason Starling	Paul Morrison

A video presentation as made by Mr. Blackburn on behalf of Sugar Creek Carriages.

The chair closed the public hearing.

After discussion as well as questioning by the TLC members, Commissioner Rogers with a second from Commissioner Westlake moved that there were no findings supporting the additional assignment of carriages under the Certificates of Public Convenience and Necessity held by each company.

ACTION: Approved 3-0

Director Fields was asked to explain the next public hearing which was for the purpose of considering a request from the Emergency Wrecker Association for increase of towing rates as well as other related items with section 6.80 of the Metropolitan Code of Law.

The Chair opened the public hearing with Emergency Wrecker Association members Jim Mitchell, and David Willaims were present.

There were no other speakers, so the hearing was closed, and a question-and-answer session followed.

After some discussion, Commissioner Westlake with a second from Vice Chair McNally moved to recommend the following to the Metropolitan Council:

I. RATES FOR EMERGENCY WRECKER SERVICES DIRECTED BY LAW ENFORCEMENT.

Towing/Recovery – Vehicles 7,000 Pounds GVWR and Under.

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

Vehicles towed to the Metro Impound Lot or other locations **\$225.00**

*Mileage: Charges for mileage may only be incurred for out-of-county miles, and only when towing at a police officer's request. This rate is not to exceed \$6.00 per mile.

2. Labor: Charges for labor, including winching, may be charged only after the first hour, and may not exceed a rate of **\$200.00** per hour. If more than one wrecker is required to remove a vehicle, the rate chargeable for each additional wrecker may not exceed the base rate of **\$200.00** per hour after the first hour. Wrecker companies are authorized to charge an additional fee of \$100.00 for any winching performed over 50 feet off the roadway.

ACTION: Approved 3-0

Vice Chair McNally with a second from Commissioner Westlake moved to recommend the following to the Metropolitan Council:

Towing/Recovery – Vehicles Over 7,000 Pounds GVWR.

Base Rates – “Towed” vehicles are vehicles which can be driven but are towed to the lot at the request of the owner or police officer. “Wrecked” vehicles are vehicles which cannot be driven and must be towed to the lot.

	Recovery Base Rate	
	Towed	Wrecked
Straight Trucks, Vans, etc.:	\$370.00	\$475.00
Tandem-Axle, Not Loaded:	\$430.00	\$535.00
Tandem-Axle, Loaded:	\$465.00	\$575.00
Recreational Vehicles:		
25 Feet & Under in Length	\$370.00	\$460.00
Over 25 Feet in Length:	\$505.00	\$610.00
Buses (Large):	\$505.00	\$610.00

Additional Fees:

Hourly Rate for necessary preparation or removal of bumpers, drive shafts before towing is possible, and reconnection after towing:

\$190.00 per hour.

Labor Rates after first hour for wrecker and driver:

Class B Wrecker	\$290.00
Class C Wrecker	\$410.00
Class C Rotator, if Needed	\$560.00

When wreckers are required to wait at the scene for functions to be performed by others (e.g., emergency personnel), waiting time charges may not exceed one-half the allowable labor rate. When the use of outside labor and equipment is required, charges may include not more than **35%** mark-up.

When the use of air bags is required under special recovery circumstances, an additional rate of **\$6750.00** may be charged. Recovery of vehicles submerged in water: **\$425.00**. Recovery of vehicle burned by fire: **\$340.00**. Set out fee **\$50.00** or proof of insurance in full force & effect.

ACTION: Approved 3-0

Vice Chair McNally with a second from Commissioner Rogers moved to recommend the following to the Metropolitan Council:

Emergency Wrecker Services Storage Rates

Storage rate, per day, after the first two hours, is as follows (fee for the second day of storage may not be charged until the vehicle has been held on the lot for twenty-six hours). **

Motorcycle, ATV	\$35.00
Mower, Miscellaneous Equipment	\$35.00
Car	\$55.00
Tractor	\$80.00
Motor Home, 26 Feet & Under in Length	\$70.00
Motor Home, More than 26 Feet in Length	\$80.00
Tractor-Trailer, Commercial Bus, House Trailer	\$80.00
Boat, Under 19 Feet in Length	\$40.00
Boat, 19-26 Feet in Length	\$55.00
Boat, More than 26 Feet in Length	\$70.00

** No storage fee may be charged for vehicles stored two hours or less. **

ACTION: Approved 3-0

Vice Chair McNally with a second from Commissioner Westlake moved to recommend the following to the Metropolitan Council:

II. RATES FOR NON-CONSENT TOWING FROM PRIVATE PROPERTY, STORAGE.

Any towing and storage firm engaged in the business of non-consent towing from private property shall not charge the owner of any towed vehicle or personal property in excess of the following:

1. Towing:

Vehicles Under 7,000 pounds GVWR	\$210.00
Vehicles Over 7,000 pounds GVWR	\$370.00
Length of 25 Feet and Under	\$370.00
Length More than 25 Feet	\$510.00

The towing fee shall be all-inclusive. No additional fees may be charged for using dollies, trailers, lifts, slim-jim, or any other equipment or service or for mileage. Except in the event the interior of a salvageable vehicle will be exposed to the elements, wrecker companies are authorized to charge a one-time fee of **\$55.00** for materials and labor associated with wrapping a vehicle to protect the interior. **\$55.00**

Storage: The maximum fee for storage of any vehicle or equipment 7000-lbs GVWR and under removed from private property is **\$55.00** per day, for any vehicle or equipment over 7000-lbs GVWR removed from private property is **\$80.00** per day. No storage fee may be charged for vehicles stored two hours or less

ACTION: Approved 3-0

Vice Chair McNally with a second from Commissioner Rogers moved to recommend the following to the Metropolitan Council:

III. OTHER RATES

Drop Fee: All licensees who engage in the business of towing vehicles from public or private property shall post a notice on each vehicle, in letters not less than two (2) inches high and appearing in a legible manner on the boom or rear of the wrecker as follows:

**“FEE TO DROP VEHICLE BEFORE DEPARTING:
\$100.00**

If the owner or operator of the vehicle is present and removes the vehicle to be towed from the premises before it is connected to the towing vehicle, the owner or operator shall not be charged any fee.

**Vehicles over 7,000 pounds: C-Class Drop Fee:
\$240.00**

If the owner or operator is present after the towing vehicle has been connected to the vehicle to be towed, then the vehicle shall not be towed; but the owner or operator shall be liable for the drop fee, in lieu of towing, provided that the owner or operator forthwith removes the vehicle from the premises. A vehicle shall be deemed connected if every procedure required to secure the vehicle to the wrecker or wrecker equipment so that the vehicle may be safely towed has been completed at the time the owner or operator arrives, including the attachment of any safety chains.

ACTION: Approved 3-0

Vice Chair McNally with a second from Commissioner Westlake moved to recommend the following to the Metropolitan Council:

Lienholder Processing Fee In addition to the rates authorized above, wrecker companies are authorized to charge a one-time administrative processing fee of **\$50.00** for any car remaining in storage on the company lot for twenty-four hours, to offset direct costs for notification of the owner or lienholder as required by state law, and an additional **\$35.00** administration processing fee for each additional notification sent to the owner or lienholder as required by law.

In the event the interior of a salvageable vehicle will be exposed to the elements, wrecker companies are authorized to charge a one-time fee of **\$55.00** for materials and labor associated with wrapping a vehicle to protect the interior.

ACTION: Approved 3-0

After some discussion, Vice Chair McNally with a second from Commissioner Westlake moved to table the proposed driver’s license change to allow drivers from other states until TLC staff was able to study and make recommendations.

ACTION: Approved 3-0

Director Fields explained the third public hearing was for the purpose of consideration/review of a recommended process from the Shared Urban Mobility Device (SUMD) industry for increases and/or decreasing fleet size. Director Fields explained that section 12.62 of the MCL requires the TLC to develop rules related to this issue.

The following was shared with the TLC:

The proposed fleet increase metric is as follows:

Companies may increase their fleet by no more than 50 scooters upon an affirmative vote of the TLC if the company shows:

- Company is in compliance with the current regulations of the TLC with regard to scooter operations, responsiveness, and other compliance measures that may be adopted from time to time by the TLC; and
- A showing that their current fleet is not meeting rider demand because the fleet is averaging 2.5 rides per day of operation.
- A company shall not be eligible for a fleet increase if it was granted a fleet increase of 30 or more scooters by the TLC within the last 60 days.

Companies shall decrease their fleet by up to 50 scooters upon an affirmative vote of the TLC if either:

- Company is not in compliance with the current regulations of the TLC with regard to scooter operations, responsiveness, and other compliance measures that may be adopted from time to time by the TLC and has failed to correct those errors within a reasonable time frame; or
- A showing that their current fleet is over deployed because the fleet is averaging less than 1 ride per day of operation.

The Chair opened the public hearing with Sam Reed and Robert Gardner present representing the industry. With no other speakers, the Chair closed the public hearing,

After some discussion, the TLC asked the SUMD operators to review their proposal and return with modifications. No formal action was necessary.

Other Passenger Vehicles for Hire

Total Transfer LLC requested to change its name to 615 Luxury Transportation LLC and reported a new address at 705 General Palmer Drive, Smyrna, 37167. Vice Chair McNally with a second from Commissioner Rogers moved to approve.

ACTION:Approved 3-0

The following companies applied to operate as an OPVH company:

- | | |
|--|--|
| ▪ Allstars Limousine | ▪ Life Limo Company |
| ▪ Bin Ganem Limo | ▪ Morning Star |
| ▪ Extreme Experience LLC dba The Nashville Shuttle | ▪ Nash 509 Limo Services (failed to renew 3-31-2021) |
| ▪ Infinity Transport LLC | ▪ RG Exquisite Transportation Service |

Director Fields noted that The Nashville Shuttle would be issued a limousine permit rather than a shuttle permit but could use the name based on opinion from Metro Legal.

Vice Chair McNally with a second from Commissioner Rogers moved to approve.

ACTION:Approved 3-0

Other Business

Theresa Costonis, Metro Legal adviser, described the recently passed Entertainment Transportation ordinance (BL 3021-911).

With no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Billy Fields
Director/Executive Secretary

Sal Hernandez
Chair

Date