

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

**Minutes**

**June 23, 2022**

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 with Commissioners Freddie Carr, Carey Rogers, Mona Lisa Warren, Michael Hayes, and Betsy Williams (6). Present were NDOT Director Diana Alarcon, Metro Legal Adviser Theresa Costonis with TLC staff members Lisa Steelman, Brandy Brantley, Howard Morris, TD Schlafer 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.

Commissioner Hayes with a second from Commissioner Williams moved approval of the previous meeting minutes:

ACTION:           Approved           5-0

**Public Hearings**

The Chair called for a public hearing on emergency wrecker zones. Director Fields, at the chair's request, explained the purpose of the annual public hearing for the purpose of consideration of changes or additions to the Emergency Wrecker zones. Director Fields stated there were no requests for changes or additions to the zones. The Chair asked if there was any one present to speak and Jim Mitchell, chair of the Nashville Emergency Wrecker Association, spoke briefly. The public hearing was closed.

After some discussion, Commissioner Rogers with a second from Commissioners Hayes moved to approve the emergency zone operators as follows:

- AB Collier Wrecker
- Bailey's Wrecker
- Chapman's Wrecker
- Cotton's/Roadmaster
- Dad's Wrecker
- Donelson Wrecker
- Martin's Wrecker
- Mike's Custom Towing
- Smith's Wrecker Service
- Tommy's Wrecker Service
- Tow Pro
- West Nashville Wrecker

ACTION:           Approved           5-0

**Wreckers and Towing Services**

Priority Towing appeared to request a license to operate as a general wrecker company. TLC Compliance Officer Howard Morris was present and was sworn in to give testimony. After some discussion, Commissioner Carr with a second from Commissioner Warren moved to defer action until records of tows from May 26 through June 23 can be provided.

ACTION:           Approved           5-0

Two driver applications, Christian R. Brown and Richard Lucas II were withdrawn from the agenda.

Mark Brown applied to be a wrecker driver. Commissioner Carr with a second from Commissioner Hayes moved to approve.

ACTION: Approved 5-0

### Horse Drawn Carriages

The application for Landon R. Millett was withdrawn.

### Taxicabs

Bola Emad Tadress applied to be a driver. After some discussion, Commissioner Warren with a second from Commissioner Hayes moved to approve.

ACTION: Approved 5-0

### Other Passenger Vehicles for Hire (OPVH)

Lacory C. Moore applied to be a OPVH driver. After some discussion, Commissioner Carr with a second from Commissioner Warren moved to approve.

ACTION: Approved 4-0-1

Mustafa Limo requested a name change to Blaxride. After some discussion, Commissioner Carr with a second from Commissioner Warren moved to approve.

ACTION: Approved 5-0

The following applied to operate an OPVH company:

- Dollywood Transportation
- Elite Smooth Ride Limousine LLC
- Hauter's Limo
- Kuvley Transportation
- Nas Transport LLC
- Pum Ride/Share LLC
- Safe Driving Plus
- Suurlove Limos LLC

After some discussion, Commissioner Carr with a second from Commissioner Rogers moved to approve.

ACTION: Approved 5-0

### Pedal Vehicles

Nashville Bar Bike requested an address change to 904 Arbor Creek Way, 37217 and name Zoe Gray as its manager. After discussion, Commissioner Warren with a second from Commissioner Rogers moved to approve.

ACTION: Approved 5-0

### Entertainment Transportation

The Chair opened the continuation of TLC deliberations following the closure of the May public hearing regarding the adoption of rules related to the operation of Entertainment Transportation (ET) companies and ET vehicles.

Director Fields stated that NDOT staff recommended that ET Rule 030 (c) (3) and (d) and (g) be reduced to \$1 million dollars for uninsured motorist coverage. After some discussion, Commissioner Warren with a second from Commissioner Hayes moved to approve.

ACTION: Approved 5-0

Director Fields stated NDOT staff recommended changes to ET rule 040 regarding enclosed/unenclosed vehicles. After some discussion, Commission Williams with a second from Commissioner Rogers moved to approve the ET rule 040 as follows:

- a) "Enclosed vehicle" means any motor vehicle that is fully enclosed by metal, plexiglass, or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an "unenclosed vehicle." A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a pickup truck or a wagon or trailer pulled by a tractor, within which

passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle "side" must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows shall be fully closed while the vehicle is in operation. Enclosed vehicles shall maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.

- b) Where the vehicle consistently operates on one or more fixed routes, where all passengers are required to remain seated at all times while the vehicle is in operation, and where alcohol is never permitted or served on the vehicle, the vehicle may be classified as a Seated Sightseeing or Charter Tour vehicle.
- c) Entertainment Transportation vehicles are required to be fully enclosed, with the exception of those meeting the definition for the subcategory "Seated Sightseeing or Charter Tour vehicle." Seated Sightseeing or Charter Tour vehicles are exempt from the requirement applicable to other types of entertainment transportation vehicles that the vehicle be required to be enclosed.

ACTION:                      Approved              5-0

Director Fields stated that NDOT staff recommended the TLC to consider additions to ET Eule 010. After some discussion, Commissioner Warren with a second by Commissioner Carr moved that Rule 010 (a) and (b) be written as follows:

- a) Each year the MTLC shall set a date to hold public hearings for the purpose of consideration of any applications to receive a certificate of public necessity and convenience to operate an Entertainment Transportation Company (ETC) or to consider requests from existing Certificate holders to increase fleet numbers. Applications along with fee payment must be made at least 45 days prior to the meeting. If a completed application (including all supporting materials and required documents) is presented after the 45-day deadline, the application will not be considered.
- b) Because the subcategory of ETV that meet the definition of Seated Sightseeing or Charter Tour vehicles as defined in section 040 (b), serve a distinct public necessity and convenience, different from that served by other ETV, the Commission shall make a separate finding of fact with regard to the existence or lack thereof of a requirement that further or additional Seated Sightseeing or Charter Tour vehicles are required to serve the public convenience and necessity; this finding will be in addition to the finding that further or additional of the types of ETV that do not meet this definition are required to serve the public convenience and necessity.

ACTION:                      Approved              5-0

Director Fields stated that NDOT staff recommended the TLC to consider addition of a fee structure for Seated Sightseeing vehicles under Rule 020.

(b) Sightseeing Certificate of Public Convenience and Necessity fee	\$ 2,500.00
(c) Sightseeing Certificate of Public Convenience and Necessity annual renewal fee	\$ 2,500.00
(d) Sightseeing Vehicle annual fee	\$ 500.00

After some discussion, Commissioner Warren with a second from Commissioner Carr moved to approve the recommended the fee structure for "Seated Sightseeing" as defined in ET rule 040.

ACTION:                      Approved              5-0

Director Fields stated that NDOT staff recommended the TLC to consider changes to ET rule section 050. After some discussion, Commissioner Warren with a second from Commissioner Williams moved that ET Rule 050(e) be amended as follows:

- e) Rails must be used on all retrofitted ETV and must measure a minimum of 40 inches in height from the floorboard. Rails must be constructed of metal or wood. Balusters (short columns or pillars made of metal, hard plastic or wood) may be present for safety purposes. The top rail must not be large enough to serve as a food or drink resting area.

Further NDOT staff recommendations to ET rule section 050 were made for TLC consideration. After some discussion, Commissioner Williams with a second from Commissioner Rogers moved that ET Rule 050(f) be amended as follows:

- f) To enhance safety and encourage traffic flow, vehicles must travel in a manner consistent with the flow of traffic and may not operate during the rush hour period between 4-6 p.m., Monday through Friday.

ACTION: Approved 5-0

Director Fields asked the TLC to consider the following NDOT staff recommendation for ET rule section 070:

e) Alcohol and controlled substances tests will be conducted after a crash involving an ETV driver which results in: (1) a fatality; (2) bodily injury which requires immediate medical treatment away from the scene of the crash, or (3) where one or more vehicles incur disabling damage requiring the vehicle to be towed away from the scene or resulting in private property damage and/or the ETV driver receives a citation under state or local law for a violation arising from the crash.

Tests should be completed as soon as practical after the crash. Alcohol tests must be administered within two hours following the crash. Controlled substance tests should be administered within 24 hours following the crash. If the ETV driver fails to have the test administered within these time limits, the ET company shall cease attempts to secure the administration of the tests and shall prepare and maintain a record stating the reasons the test was not promptly administered. A copy of this record shall be sent to the MTLC staff as soon as practical.

Recognizing the limitations inherent in the preceding paragraph, an ETV driver who is subject to post-crash testing shall remain readily available for such testing or may be deemed by the MTLC to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following a crash, or to prohibit a driver from leaving the scene of a crash for the period necessary to obtain emergency assistance.

Each ET company must create and adopt a written policy for conducting employee drug screens, while remaining compliant with standards and regulations of the MTLC. Drug testing companies including but not limited to Concentra, Workforce Essentials, ReliaLab, may be contracted to manage this policy. The ET company must choose how the program/process will be managed. This includes a means for on-site collections including responding to emergency rooms, crash location, employer’s place of business, etc., which includes performing after-hour collections. The adopted program must be submitted to the MTLC for approval.

If the crash results in an MNPD investigation and the investigation results in substance abuse testing of any type, the MTLC will defer to the investigation findings.

After some discussion, Hayes with a second from Commissioner Warren moved to approve:

ACTION: Approved 5-0

After discussion, Commissioner Warren with a second from Commissioner Carr moved to amend ET rule 100 (c) to be “Passengers under the age of 21 shall not be permitted to ride an ETV where alcohol is present.”

ACTION: Approved 5-0

Director Fields asked the TLC to consider the following NDOT staff recommendation for ET rule section 120 (b)(5) “Allowing a passenger under the age of twenty-one to ride in an ETV where alcohol is present.” After some discussion, Commissioner Warren with a second from Commissioner Williams moved to approve.

ACTION: Approved 5-0

Commissioner Hayes asked the TLC to consider amending ET Rule 090(b). After some discussion, Commissioner Hayes with a second from Commissioner Carr moved the rule be written as follows:

(b) ETV must have installed devices which are able to monitor and govern all sound amplification, so as to be consistent with 9.20.020(B) of the Metropolitan Code of Laws.

ACTION: Approved 5-0

The Chair then asked the TLC to review ET company applications.

The following companies made comments:

Big Green Tractor  
Extreme Experience  
Grayline  
Glammies

Hell on Wheels  
Honky Tonk  
Nashville Party Barge  
Party Bus Music City

Rowdy Bus  
TAN Assets and TN Transport  
The House Party Bus

Music City Rolling Jamboree  
Joyride  
Upstage Party Bus

With no other company representatives present, the Chair suggested the TLC would need to hold another meeting to consider next steps related to ETs. The date of June 29 at 1:30 P.M. was decided as the time when all application for Certificates of Public Convenience and Necessity would be considered.

**Other Business**

Curtis Carney asked the TLC to consider his application for Off the Wagon and stated he missed the deadline. After some discussion, Commissioner Carr moved to accept the application for consideration but there was no second. Commissioner Carr then moved to defer the application but later withdrew the motion.

With no further business, the meeting was adjourned.

ATTEST:

APPROVED:

\_\_\_\_\_  
Billy Fields  
Director/Executive Secretary

\_\_\_\_\_  
Sal Hernandez  
Chair

\_\_\_\_\_  
Date