

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

Minutes

May 16, 2024

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (TLC) met for its regular meeting on this date in the Jury Assembly Room of the Justice A.A. Birch Building. Present were Chair Sal Hernandez, Commissioners Freddie Carr, Michael Hayes, Carol Westlake, Carey Rogers, and Keith Pyle (6). Also present were NDOT staff Lisa Steelman, Richard Rooker, and T.D. Schlafer. Also present were Metro Legal advisors Erica Haber and Theresa Costonis.

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 Pyle with a second from Commissioner Hayes moved approval of the minutes from the previous meeting.

ACTION: Approved 5-0

The Chair opened the floor for public comment from those gathered. Councilmember Jacob Kupin, Michael Winters, Patrick Kludac, Zaid Keffe, and Jeanette Barker spoke. There were no further requests to speak.

Consent Items

The following new applications were submitted for Other Passenger Vehicles for Hire (OPVH):

- Blue Line Executive Transportation ▪ Urban Ride ▪ Nashville Limo Black Service One ▪ Barak Transportation LLC ▪ Uptown Limo Service ▪ Fly 13 Black Limo Service ▪ Khalid ▪ Yad Luxury Rides
- Preferred Ride LLC ▪ Nashville Car Service LLC ▪ Good Ride Transportation ▪ Limitless Limos LLC ▪ Miguel Gallanti Black LLC ▪ Bright Moon ▪ Nash Riders LLC

Commissioner Hayes with a second from Commissioner Rogers moved to approve.

ACTION: Approved 5-0

Victory Ground LLC, Zakho, J.A.Z., Klean Whipz of Music City LLC, Nashrovers LLC, Ravand's Private Rides LLC, High Point Enterprise LLC, MTL3 Investment LLC dba First Choice Transportation, and Elite Experience LLC reapplied as OPVH companies after failure to timely renew. Commissioner Carr with a second from Commissioner Rogers moved to approve. *Note: Elite Experience LLC was a late addition to the agenda*

ACTION: Approved 5-0

OPVH Special Purpose Vehicle

Joseph Savage appeared on behalf of Nashville Humvee for a special purpose vehicle application. Due to the vehicle's age, the application was heard by the Commission for determination as to its status as vintage, classic, or unique.

After some discussion, Commissioner Rogers with a second from Commissioner Hayes moved to deny the application. The Chair called the vote and the motion failed.

ACTION: Failed 2-3

After some additional discussion, Commissioner Hayes with a second from Commissioner Westlake moved to approve the application.

ACTION: Approved 3-2

Horse-Drawn Carriages

Attorney Gary Blackburn appeared with his client Johnny Smith of Sugar Creek Carriages to request two additional carriage permits, in addition to the five permits currently awarded to Sugar Creek, for a total of seven. The application was deferred indefinitely after Annual Hearings in November 2022 and December 2023, pending the conclusion of the Connect Downtown study.

Commissioner Westlake with a second from Commissioner Carr moved to find there was an additional need of public convenience and necessity for two additional horse-drawn carriage permits.

ACTION: Approved 3-1-1 *Note: Commissioner Rogers abstained*

Commissioner Westlake with a second from Commissioner Carr moved to approve two additional carriage permits for Sugar Creek Carriages, bringing their total permits to seven.

ACTION: Approved 3-2

Shared Urban Mobility Devices (SUMD)

TLC Director Rooker introduced the agenda item for SUMDs and added that SUMD program manager T.D. Schlafer was present to discuss proposed rule changes. Lilli Krauss of Lime, Adam Davis of Bird, and Jimmy Gillman of Spin were also present to speak.

The Chair opened the public hearing for the purpose of consideration of changes to the SUMD rules and renewal of the SUMD contract.

Proposed rule Section 902 was presented: No new certificates of public convenience and necessity shall be issued without a competitive Request for Proposals (“RFP”) process. All such RFP proposers must comply with all terms of the RFP in order to be eligible to receive certificates or permits. Through this RFP process, future applicants shall be selected to receive certificates of public convenience and necessity to operate SUMD systems. Once the RFP award is final, all previously granted certificates of public convenience and necessity that are at the end of their last term extension shall terminate.

Commissioner Rogers with a second from Commissioner Pyle moved to approve.

ACTION: Approved 5-0

Proposed rule Section 904 D.2. was presented: Section 904 D.2. c. Metro, through the MTLC, shall determine certain block faces or areas where freefloating SUMD parking is prohibited. Geo-fenced areas may be used to designate where SUMD parking is or is not allowed; such areas shall include but not be limited to: the areas shown on the map at the following link: [NEW LINK TO BE INCLUDED](#) d. The determinations made by the MTLC re where parking is prohibited shall be made available as a map on the Metropolitan Government’s website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these block faces or areas where SUMD parking is not allowed, including in their mobile applications. It is encouraged, but not required, that wherever freefloating SUMD parking is prohibited that dedicated and preferred SUMD parking areas be available on public or private property within a reasonable distance. f. SUMD’s shall not be parked on a sidewalk within the zone shown on the map at the following link unless they are parked within a corral: [NEW LINK TO BE INCLUDED](#) As more corrals are added, this zone may be expanded by the MTLC.

Commissioner Rogers with a second from Commissioner Westlake moved to approve.

ACTION: Approved 5-0

Proposed rule Section 904 J. was presented: An operator shall not allow a powered SUMD to be operated by a person who is less than eighteen (18) years or older. Operators will institute additional technological measures, including facial recognition technology, as an age verification system to analyze user data to determine the user’s age. Any user that is not verified as being over eighteen (18) via the above must scan a government issued ID in order to proceed with renting an SUMD.

Commissioner Rogers with a second from Commissioner Pyle moved to approve.

ACTION: Approved 5-0

Proposed rule Section 904 R. was presented: SUMD companies will provide technology that only allows one ride per customer. A customer's account may not be used to unlock a ride for another individual. This rule is intended to remove the "Group Ride" feature to ensure all riders are 18 years of age and possess a valid driver's license.

Commissioner Rogers with a second from Commissioner Westlake moved to defer indefinitely.

ACTION: Deferred 5-0

Proposed rule 905 M. was presented: MTLC or its staff may establish limitations on the streets within the metropolitan area in which SUMDs can or cannot operate, and streets and areas where SUMDs shall be slowed down remotely by the operator, by using technology where reasonable and practicable where operation of SUMDs, or where speeds in excess of 10 miles per hour, is not permitted, including but not limited to in the following locations...

Commissioner Rogers moved to defer. There was no second. Commissioner Rogers withdrew the motion.

Commissioner Rogers with a second from Commissioner Hayes moved to approve.

ACTION: Approved 5-0

Proposed rule 909 B. was presented: Operators shall deploy a minimum of one (1) e-bike for every four (4) electric scooters subject to commission approval. Any powered bikes that the operators add to their fleet per this provision must meet the definition of Class 1 electric bicycles as defined in Tennessee Code Annotated 55-8-301. Any other types of powered bicycles would be subject to the further fleet expansion criteria in Section 913.

Commissioner Rogers with a second from Commissioner Carr moved to approve.

ACTION: Approved 5-0

Proposed rule 910 was presented: **EQUITABLE ACCESS** A. Permitted operators shall have a plan to provide equitable access in neighborhoods and to communities and users that are underserved by mobility and transportation options. B. Permitted operators are encouraged to: 1. Provide pricing options that address the needs of low-income residents; 2. Provide discount programs to low income individuals; 3. Develop options that do not require a smartphone; 4. Provide cash-payment options; 5. Provide adaptive SUMDs that enable operation by people with disabilities; and 6. Provide access to in-app instructions in multiple languages.

Commissioner Rogers with a second from Commissioner Hayes moved to approve.

ACTION: Approved 5-0

Mr. Schlafer explained that the SUMD companies one-year contracts as well as the Certificate for Public Convenience and Necessity were set to expire June 11, 2024. NDOT staff recommended renewal of both. After some discussion, Commissioner Rogers with a second from Commissioner Pyle moved to renew the SUMD contract along with the Certificate of Public Convenience and Necessity for one year.

ACTION: Approved 5-0

Entertainment Transportation (ET)

Metro Legal discussed the "grandfathering" of existing ET permits resulting from Public Chapter No. 894, which was signed into law by Governor Bill Lee, effective May 1, 2024.

Commissioner Rogers with a second from Commissioner Carr moved to find that the optimal number of ET permits was 91. The motion was withdrawn. No vote was taken.

Chair Hernandez left the meeting.

Commissioner Carr with a second from Commissioner Rogers moved to elect Commissioner Hayes as acting Chair.

ACTION: Approved 4-0

The acting Chair requested a motion for a five-minute break. Commissioner Carr with a second from Commissioner Rogers moved for the Commission to take a five-minute break.

ACTION: Approved 4-0

The acting Chair called the meeting back to order.

After some discussion, Commissioner Westlake with a second from Commissioner Pyle moved to find that the optimal number of ET permits was between 35-70 based upon the public convenience and necessity. After further discussion, the acting Chair called the question.

On the question:

ACTION: Approved 4-0

On the motion:

ACTION: Approved 4-0

Commissioner Westlake with a second from Commissioner Pyle moved to approve the following ET companies who were requesting no change to their permits:

Big Drag Bus, Flanagan Tours, Gray Line of Tennessee, Grooveline Party Bus, Nash Trash Tours, Nashville Bar Bus, Old Town Trolley, Party Bus Music City, Party Central Nashville, Rowdy Bus, Tasty Tour, The Music City Rollin Jamboree, TN Transport Holding LLC (Cruzzin), Upstage Party Bus

ACTION: Approved 4-0

The acting Chair opened the ET Annual Hearing. Representatives spoke from Big Green Tractor Tours, Extreme Experience, Hell On Wheels, Honky Tonk Party Express, Music City Party Fire Engine, Nashville Party Barge, Nashville Ultimate Party Bus, The Nashville Tractor, Redneck Comedy Tours, Joyride, YeeHaw Party Bus, Upstage Party Bus, and Nashville Bar Bus. With no further requests to speak, the Annual Hearing was closed.

After some discussion, Commissioner Carr with a second from Commissioner Rogers moved to renew the remaining company permits as they currently exist. This included the permits for Big Green Tractor Tours, Extreme Experience, Grey Lion, Hell On Wheels, Honky Tonk Party Express, Music City Party Fire Engine, Nashville Party Barge, Nashville Ultimate Party Bus, Party N Ride Nashville, The Nashville Tractor, The Redneck Comedy Tour, TN Transport Service (Joyride), and YeeHaw Party Bus. The question was called.

On the question:

ACTION: Approved 4-0

On the motion:

ACTION: Approved 4-0

Commissioner Westlake with a second from Commissioner Pyle moved to request that Metro Legal research the viability of weekend only permits for operators and to request that NDOT staff facilitate a time and date for the TLC to hold a special called meeting to consider proposals for permit swaps and additional vehicles.

ACTION: Approved 4-0

Commissioner Rogers with a second from Commissioner Pyle moved to award no additional ET vehicle permits.

ACTION: Approved 4-0

Commissioner Carr with a second from Commissioner Rogers moved to set June 3, 2024, at noon CST as the deadline for payment of all ET fees.

ACTION: Approved 4-0

Commissioner Rogers with a second from Commissioner Pyle moved to take a five-minute break.

ACTION: Approved 4-0

The acting Chair called the meeting back to order.

Booting Services

Metro legal discussed impending changes to the state booting law resulting from HB 1731/SB 1692 that had been signed by the Speakers and transmitted to the Governor for action. Legal informed the Commissioners that changes to the booting ordinance in Metro Code 6.81 to comply with the state law would follow. Booting ordinance changes were previously deferred by the Commission to the June 2024 regular meeting.

Representatives of Solaren Risk Management were present for a public hearing regarding a new company application for booting services.

Commissioner Pyle with a second from Commissioner Rogers moved to indefinitely defer consideration on the application.

ACTION: Deferred 4-0

Pedal Vehicles

Consideration of applications for existing companies Pro Pedicab (requesting three additional permits) and Rock N Roll Rides (requesting nine additional permits) were called. The Annual Hearing for these applicants was held in September 2023 and decision was deferred until two months after the Connect Downtown study was completed and received by the TLC.

Chelsea Lovitt of Rock N Roll Rides and Craig Davis of Pro Pedicab were present to speak.

Commissioner Rogers with a second from Commissioner Westlake moved to find there was an additional need of public convenience and necessity for eight additional pedicab permits. The question was called.

On the question:

ACTION: Approved 4-0

On the motion:

ACTION: Approved 4-0

Commissioner Rogers with a second from Commissioner Pyle moved to approve five additional permits for Rock N Roll Rides (bringing their total to six) and three additional permits for Pro Pedicab (bringing their total to five).

ACTION: Approved 4-0

Taxicabs

Consideration of applications for existing company Tennessee National Cab LLC (requesting 20 additional permits) and new company Regal Taxi LLC (requesting 22 new permits) were called. The Annual Hearing for these applicants was deferred in February 2024 until two months after the Connect Downtown study was received by the TLC.

James Bryan Lewis, attorney representing Regal Taxi LLC, contacted Mr. Rooker prior to the meeting to request deferral of their application until June 2024.

A representative of Tennessee National Cab LLC was present to speak.

After some discussion, Commissioner Rogers with a second from Commissioner Westlake moved to find there was additional need of public convenience and necessity for forty-two additional taxicab permits.

The question was called.

On the question:

ACTION: Approved 4-0

On the motion:

ACTION: Approved 4-0

Commissioner Rogers with a second from Commissioner Westlake moved to approve twenty additional taxicab permits for Tennessee National Cab and to defer the application of Regal Taxi LLC until June 2024. An amendment from Commissioner Carr was offered to approve ten additional taxicab permits for Tennessee National Cab and to defer the application of Regal Taxi LLC until June 2024. Commissioner Rogers seconded the amended motion.

ACTION: Approved 4-0

Low Speed Vehicles (LSV)

Consideration of an application for new company Vintage Nashville Tour (requesting 20 new permits) was called. The Annual Hearing was held in September 2023 and decision deferred until two months after the Connect Downtown study was received by the TLC.

Through their attorney, Vintage Nashville Tour requested deferral of the application.

Commissioner Westlake with a second from Commissioner Carr moved to defer the application until June 2024.

ACTION: Deferred 4-0

Probationary Status Review

Clifford Wharton of Apex Parking Enforcement was present to present evidence regarding Apex Parking Enforcement's probationary status. A list of over 325 immobilizations and their refund status was provided to staff via email. Copies of this document were distributed to the Commission prior to the meeting.

Mr. Rooker recommended that the conditions of probation had been met. Commissioner Rogers with a second from Commissioner Pyle moved to find Apex Parking Enforcement had met the requirement necessary to end their probation.

ACTION: Approved 4-0

Other Business

There was no other business.

Application Reviews

The acting Chair requested that Metro Nashville Network cease recording during applicant background reviews.

Ali R. Jusani applied to be a taxicab driver but failed to fully disclose information on the application. After some discussion, Commissioner Westlake with a second from Commissioner Rogers moved to approve the application.

ACTION: Approved 4-0

An ET driver application review for Justin Lillard was called but Mr. Lillard was not present. Commissioner Rogers with a second from Commissioner Pyle moved to defer the application review until June 2024.

ACTION: Deferred 4-0

Commissioner Rogers with a second from Commissioner Westlake moved to adjourn.

ACTION: Approved 4-0

ATTEST:

APPROVED:

Richard Rooker
Executive Secretary

Sal Hernandez
Chair

Date

Michael Hayes
Acting Chair

Date