

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

Minutes

June 20, 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 Pat McNally, Vice Chair Carol Westlake, Commissioners Carey Rogers, Charles Sueing, Erica Penley, and Annie Klaver (6). Also present were NDOT staff members Lisa Steelman, Cody Osborne, T.D. Schlafer, and NDOT Director Diana Alarcon. Also present was Metro Legal advisor Theresa Costonis.

Vice Chair McNally 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.

Newly elected Commissioners Penley and Klaver introduced themselves to those gathered. The Commission thanked former Chair Hernandez and Commissioner Carr for their many years of service.

The Vice Chair opened the floor for public comment from those gathered. Michael Winters, Ron Gobble, Zied Kefi, and Kimberly Smith spoke. There were no further requests to speak.

Election

A special election was called, pursuant to TLC Rules and Procedures Section 102, to fill the position of Chair.

Section 102 ELECTION OF OFFICERS - The Commission, at its October meeting of all even number years, will elect a Chair and Vice Chair for a two-year term. Both the Chair and Vice Chair may succeed themselves. In case of resignation, removal or any other departure of either Chair or Vice Chair, a special election will be held to fill the position.

Nominations were taken. Commissioner Rogers with a second from Commissioner Sueing nominated Vice Chair McNally to serve as Chair.

Commissioner Rogers with a second from Commissioner Sueing moved that the Commission cease accepting nominations.

ACTION: Approved 5-0

After accepting the nomination, a vote was called to elect Vice Chair McNally as Chair.

ACTION: Approved 5-0

Nominations were then called to elect a new Vice Chair. Commissioner Rogers with a second from Commissioner Sueing nominated Commissioner Westlake to serve as Vice Chair. After accepting the nomination, and with no further nominations, a vote was called.

ACTION: Approved 5-0

Commissioner Sueing with a second from Commissioner Rogers moved approval of the minutes from the previous meeting.

ACTION: Approved 5-0

Consent Items

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

- Cam G. Transport LLC
- Kirolos Nayrouz
- King Transportation LLC
- Bellevue Limo
- Melaku Limo
- Adam Transportation LLC
- Supreme Team Services
- MLC Transport LLC
- Knights Black Car Service LLC
- AGM Limo
- WHC TN LLC dba ZTrip

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

ACTION: Approved 5-0

Jones A1 Luxury Transportation LLC, Sundown Limousine LLC, Jude Luxury Service Car, and AWD Transportation LLC reapplied as OPVH companies after failure to timely renew. Commissioner Sueing with a second from Commissioner Rogers moved to approve.

ACTION: Approved 5-0

Eleven Eleven Logistic LLC requested to modify ownership by adding partner Naidu Almarza DeRojano. Vice Chair Westlake with a second from Commissioner Rogers moved to approve.

ACTION: Approved 5-0

Taxicab company TN National Cab LLC requested to change address to 1451 Elm Hill Pike, Unit 300, Nashville, TN 37210. Commissioner Penley with a second from Commissioner Rogers moved to approve.

ACTION: Approved 5-0

Taxicabs

Consideration of an application for new company Regal Taxi LLC (requesting 22 new permits) was called. The Annual Hearing for this application 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 TLC staff prior to the meeting in May 2024 to request deferral of their application until June 2024.

Attorney James Bryan Lewis and Roumany Tadros, representative of Regal Taxi LLC, were present to speak.

After some discussion, Commissioner Rogers with a second from Commissioner Klaver moved to find there was a need of public convenience and necessity for an additional 22 taxicab permits.

ACTION: Approved 5-0

Commissioner Rogers with a second from Commissioner Klaver moved to approve the new application for twenty-two new taxicab permits for Regal Taxi LLC.

ACTION: Approved 5-0

Vice Chair Westlake left the meeting.

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 was deferred until two months after the Connect Downtown study was received by the TLC.

Attorney Nathan Colburn and Sherief Gerges, representative of Vintage Nashville Tour, were present to speak.

After some discussion, Commissioner Rogers with a second from Commissioner Sueing moved to find there was a need of public convenience and necessity for an additional 20 LSV permits. Commissioner Penley with a second from Commissioner Klaver moved an amendment to find there was a need for an additional 10 LSV permits. Commissioner Rogers accepted the amendment to his motion.

ACTION: Approved 4-0

Commissioner Rogers with a second from Commissioner Penley moved to approve the new application for ten new LSV permits for Vintage Nashville Tour.

ACTION: Approved 4-0

Entertainment Transportation (ET)

A public hearing was called for the purpose of reviewing TLC Rules and Procedures Section 803 E regarding the liquor liability insurance requirement for ET companies.

Section 803 E - With regard to any holder of a certificate of convenience and necessity who serves or dispenses alcoholic beverages to customers, whether or not the certificate holder also supplies the alcoholic beverages served to the customers, adequate insurance coverage shall also mean a policy of liquor liability insurance, with the minimum amount of liquor liability insurance to be one million dollars, issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured and complying in all other respects with the terms of this section.

The Chair opened the public hearing. Michael Winters, Ben Eagles, and Patrick Kludac spoke. There were no further requests to speak. The Chair closed the public hearing.

Metro Legal advised that their recommendation was to rescind the rule requiring liquor liability insurance for ET companies. At the time of the rule's passage, the Commission understood that liquor liability insurance would be amply available to the ET companies. Availability of the coverage has since been reported to be scarce and cost prohibitive.

After some discussion, Commissioner Penley with a second from Commissioner Sueing moved to rescind TLC Rules and Procedures Section 803 E in its entirety, with the intent to no longer require ET companies to be covered by liquor liability insurance.

ACTION: Approved 4-0

An agenda item deferred from the May 2024 regular meeting was called for consideration of applications for additional ET vehicle permits and for permit swaps between ET and Seated Sightseeing.

Mr. Schlafer reported that staff had been unable to find availability for a special called meeting on the issue as requested by the TLC. Metro Legal reported that it would be unusual to issue a weekend-only permit and that a permit holder would need to agree to be bound by that condition.

After some discussion, Commissioner Rogers with a second from Commissioner Klaver moved to defer consideration on the issue until the July 2024 TLC meeting to allow more time for information to be gathered.

ACTION: Approved 4-0

Wrecker and Towing Services

The Annual Hearing was called for Emergency Wrecker and Towing Zones. The current assignments were as follows: AB Collier Wrecker, Bailey's Wrecker, Chapman's Wrecker, Cotton's Roadmaster, Dad's Towing, Donelson Wrecker, Martin's Wrecker, Mike's Custom Towing, Smith's Wrecker Service, Tommy's Wrecker Service, Tow Pro, and West Nashville Wrecker.

There was a new emergency zone wrecker application submitted from STR Towing & Recovery LLC.

The Chair opened the Annual Hearing. John Coonce, Jim Mitchell, James Weaver, and Carla Collier spoke. There were no further requests to speak. The Chair closed the Annual Hearing.

Mr. Schlafer reported that TLC staff had reached out to Lt. Taylor Schmitz and Jonathan Massie of the MNP Vehicle Impound Section prior to the meeting to request information related to the effectiveness of the current emergency wrecker zone assignments.

The number of vehicles towed to the impound lot in 2023 was 6,929. The number of vehicles towed to the impound lot thus far in 2024 is 2,878. MNDP advised that they do not currently have data on wrecker response times. They also advised that they received a few informal complaints about response times, but not enough to warrant or request any changes. MNP noted that Dad's and West Nashville have a lot of territory to cover but if all wrecker services continue to meet the time obligation when responding to officers' wrecker requests, the department has no issue.

Mr. Schlafer advised the Commission that STR Towing & Recovery LLC was in good standing and properly licensed for general and non-consent towing in Davidson County. Metro Legal shared the requirements for the method of altering zones in Chapter 6.80.545 B.

After some discussion, Commissioner Rogers with a second from Commissioner Penley moved to approve the current emergency wrecker zone assignment with no changes for another year.

ACTION: Approved 4-0

The Chair called for a five-minute break.

The Chair called the meeting back to order.

Booting Services

Metro Legal discussed impending changes to the state booting law resulting from Public Chapter No. 1017 that was signed by Governor Lee on May 28, 2024, and is set to take effect on July 1, 2024. Legal informed the Commissioners that changes to the booting ordinance in Metro Code 6.81 to comply with the state law would need to follow for the TLC to continue regulation of booting services. Consideration of recommendation on booting ordinance changes were previously deferred by the Commission to the June 2024 regular meeting pending the outcome of the new legislation.

An application from Solaren Risk Management to engage in booting services remained on the agenda for consideration after a May 2024 deferral.

Commissioner Rogers with a second from Commissioner Klaver moved to defer the application of Solaren Risk Management until after the effective date of the new state law, rendering their application as a third-party booting company moot.

ACTION: Deferred 4-0

Shared Urban Mobility Devices (SUMD)

T.D. Schlafer introduced a request by SUMD company Lime for a 50-scooter fleet increase based upon the fleet increase metric enumerated in TLC Rules and Procedures Section 913. Mr. Schlafer reported that Lime's utilization in May was 3.23 rides per scooter per day, well above the 2.5 rides necessary to submit a request for fleet increase. Mr. Schlafer further reported that in total the SUMD companies saw over 1.2 million scooter rides per year in 2021, 2022, and 2023, and were trending toward the same in 2024 with 517,505 rides thus far.

Section 913 FLEET INCREASE METRIC Companies may increase their fleet by no more than 50 scooters upon an affirmative vote of the TLC if the: Company provides objective data that their maximum authorized fleet size is not meeting rider demand because the fleet is averaging 2.5 rides or greater per day of operation over the last 30 days fleet numbers; Company has a plan to equitably distribute the increased fleet throughout the city; and 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; Company has been substantially compliant with the 17 goals of the SUMD program as defined in BL2019-109 Section 2 (C); Commission determines that on balance, the community will benefit from the additional fleet rather than be burdened by it; 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.

Lilli Krauss, Senior Manager of Government Relations at Lime, was present to answer questions from the Commission and to present Lime's request.

Director Alarcon shared plans for future corralled parking downtown and in midtown.

After some discussion, Commissioner Klaver moved to defer the request for fleet increase until corralled SUMD parking was available downtown. There was no second. No vote was taken.

Commissioner Rogers moved to approve the request for an additional 50 scooters for Lime under the condition that none of the scooters would be deployed downtown or in midtown. Commissioner Penley seconded the motion.

ACTION: Approved 4-0

Commissioner Penley left the meeting.

The Commission no longer had a quorum. Chair McNally requested that items on the June agenda which were unable to be addressed be placed at the top of the July agenda.

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

ACTION: Approved 3-0

ATTEST:

APPROVED:

T.D. Schlafer
Assistant to TLC Director

Pat McNally
Chair

Date