

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

**Minutes
April 22, 2021**

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (TLC) met through Web-X Conferencing for the TLC meeting on this date. Present for the video conference were Chair Sal Hernandez, Vice Chair Pat McNally, Commissioners Carey Rogers, Mona Lisa Warren, and Carol Westlake. (5). Present were Purchasing Agent Michelle Hernandez-Lane and Procurement Contract Manager Terri Ray along with Metro Legal Advisers Theresa Costonis and Tara Ladd, TLC staff members Lisa Steelman and Billy Fields.

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

The Chair stated that the TLC must vote on the record that the Covid-19 pandemic requires the meeting to be held telephonically and/or through video conferencing as permitted under the Governor's Executive Order Number 78.

Vice Chair McNally moved with a second from Commissioner Warren that meeting electronically was necessary to protect the health, safety, and welfare of Tennessee considering the Covid-19 outbreak.

A roll call vote followed with 3-0 vote for approval.

ACTION: Approved 3-0

The minutes from March 25, 2021 were presented for approval. After some discussion Commissioner Warren with a second from Vice Chair McNally moved to approve the minutes.

A roll call vote followed with 3-0 vote for approval.

ACTION: Approved 3-0

Shared Urban Mobility Devices (SUMDs)

The Chair explained that contracts had been negotiated with three SUMD vendors Bird, Lime and Spin. Metro Legal Adviser Costonis explained that BL-2019 109 required the TLC to enter an RFP process for the purposes of awarding contracts for SUMD operators and the TLC asked Metro Procurement to manage the RFP process.

Three vendors were recommended, and identical contacts were negotiated. Procurement Agent Hernandez-Lane and Procurement Manager Ray were present to answer any questions. After some discussion, Vice Chair McNally with a second from Commissioner Rogers moved to make the following changes/additions to the proposed contract:

1. Change the reference from BL 2019-1658 to BL 2019-109 in the second paragraph, and
2. Add the words "up to" and "public" to the paragraph entitled "2. Certificate of Public Convenience and Necessity", and
3. Delete sections proposed sections A. through J in the paragraph entitled "3. Incorporated Provisions" with the following:
 - A. The potential operator's commitment to regularly participate in shared micromobility operational stakeholder meetings focusing upon operational matters encompassing a wider and more diverse group than the operators, such as outreach and educational groups;
 - B. The potential operator's commitment to address the safety and security concerns expressed by the public regarding past, current, and future SUMD services, including specific commitments to and experiences with local governments to achieve safe, effective operations;
 - C. The potential operator's commitment and ability to effectively partner with the Metropolitan Government on an ongoing basis for purposes of addressing the continuing needs, concerns, and objectives of the Metropolitan Government in regulating SUMDs, including matters of equity including geographic coverage, affordability, technology, and abilities;

- D. The potential operator’s commitment to ensuring rider compliance with state and local laws, including, but not limited to DUI laws and minimum rider age requirements;
- E. The potential operator’s commitment to promoting proper and safe use of SUMDs, including use of helmets and/or other equipment and the provision of safety education;
- F. The potential operator’s use of staffing, technology, and other means to restrict or prohibit use of SUMDs in restricted areas, including but not limited to, sidewalks.
- G. The sufficiency of the potential operator’s staffing to adequately and timely address (a) improper parking of SUMDs on public rights-of-way, public sidewalks, and private property; (b) uprighting overturned SUMDs during recognized hours of operation; and (c) rebalancing or reallocating SUMDs evenly throughout the city during recognized hours of operation; (d) potential violations of the Americans with Disabilities Act (ADA) or other improper interference with access to public thoroughfares;
- H. The response time required by the potential operator to address issues with SUMDs;
- I. The potential operator’s plans to coordinate and cooperate with the Metropolitan Government regarding special events;
- J. The potential operator’s approach to collaborating with the Metropolitan Government in developing shared expectations and approaches for safety-related management matters such as inclement weather, impaired drivers, equipment, public education, etc.;;
- K. The potential operator’s willingness and ability to conform to adaptive regulations that address changing technologies, evolving markets, as well as risk impacts that vary based upon location, time of day, and other variables;
- L. The potential operator’s willingness and ability to perform within a regulatory “pilots” environment in which potential solutions are tested under varied circumstances in order to determine best practices and approaches;
- M. The potential operator’s willingness and ability to work within outcome-based regulations, including performance-based criteria, in lieu of fixed regulations;
- N. The potential operator’s willingness and ability to comply with risk-weighted regulations, adjusted to address measured safety risks faced by members of the public and/or SUMD riders under particular circumstances;
- O. The potential operator’s willingness and ability to provide pricing and availability options to riders based upon equity and lower incomes;
- P. The potential operator’s proposals for addressing sustainability and environmental concerns; and
- Q. The potential operator’s ability to provide the Metropolitan Government with anonymized and aggregated location data sharing and open data information regarding SUMD locations, ridership, aggregated (5 trip minimum) SUMD traffic patterns, and other data; and

- 4. Add the following to the paragraph entitled “ 14. No Tranfer/Assignment.” ... “except as follows: CONTRACTOR understands that neither this CPNC, nor any of the rights and obligations of CONTRACTOR hereunder shall be assigned or transferred in whole or in part without the first prior written consent of MTLC and adoption by METRO. Any such assignment or transfer shall not release CONTRACTOR from its obligations hereunder.”

A roll call vote followed with 4-0 vote for approval.

ACTION: Approved 4-0

Booting Services

Apex Parking Enforcement applied to operate booting services within the Metropolitan area. After some discussion, Vice Chair McNally moved with a second from Commissioner Rogers to approve.

A roll call vote followed with 4-0 vote for approval.

ACTION: Approved 4-0

Other Passenger Vehicles for Hire (OPVH)

The following companies applied to operate as OPVH companies:

- Heath Transportation
- Mini Vegas Limo
- N Comfort Limousine
- Nash Vegas Limo

After some discussion, Vice Chair McNally moved with a second from Commissioner Rogers to approve.

A roll call vote followed with 4-0 vote for approval.

ACTION: Approved 4-0

Smeed Limo requested to change its name from Smeed Limo LLC. After some discussion, the TLC requested that the operators Smeed Limo attend the next TLC meeting and bring the appropriate documentation related to its LLC status with the state of Tennessee.

With no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Billy Fields
Director/Executive Secretary

Sal Hernandez
Chair

Date

Date