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Atlanta Metro Leasing, Inc. v. City of Atlanta

Court of Appeals of Georgia - February 20, 2020 - S.E.2d - 2020 WL 830062

Taxicab companies brought action against city for breach of franchise agreement and breach of contract allegedly arising out of city's issuance of taxicab permits and taxicab certificates of public necessity and convenience (CPNCs), alleging that city's failure to enforce taxicab ordinance against personal transportation network companies (TNCs) caused damages to CPNC and permit holders.

Trial court granted city's motion to dismiss. Taxicab companies appealed.

In a case of first impression, the Court of Appeals held that:

- City was performing governmental function in determining not to require personal transportation network companies (TNCs) to abide by taxicab regulations;
- Taxicab companies were not "urban transportation companies" that could enter into franchise agreements with city;
- Taxicab companies were not "public utilities and public services" that could enter into franchise agreements with city;
- Statute governing CPNCs did not require CPNCs to be classified as franchises rather than licenses;
- Statute and ordinance did not manifest clear expression of intent to bind city contractually to taxicab companies by issuing CPNCs; and
- Taxicab permits did not constitute franchise agreements.

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