

APPEALS COURT UNANIMOUSLY UPHOLDS LOWER COURT DECISION TO DISMISS CHALLENGE TO CITY'S E-HAIL PILOT

PILOT PROGRAM CONTINUES TO MOVE FORWARD, ALLOWING RIDERS TO USE AND EXPLORE THE LATEST TECHNOLOGY OPTIONS

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New York, N.Y., Oct. 29, 2013 – A midlevel appeals court has unanimously upheld a lower court judge in dismissing a challenge by black car industry groups to the City's "e-hail" pilot program. The pilot allows electronic applications ("apps") to be used by medallion taxis to accept electronic hails ("e-hails"). As a result of the ruling, the TLC is now free to continue testing this technology.

"This decision paves the way for taxi passengers to have the ultimate say in how they want to travel," said Taxi and Limousine Commission (TLC) Commissioner David Yassky. "New York City has always been a taxi-hailing town, and we're pleased to be able to offer passengers more than one way to accomplish that."

"We are pleased that the decision was upheld," said New York City Corporation Counsel Michael A. Cardozo. "The ruling further confirms our position that the pilot was completely proper. The TLC's use of new technology like e-hail apps will keep them on the cutting edge of industry and allow them to best serve the public."

The midlevel court -- the Appellate Division, First Department -- upheld a ruling reached this past April 23rd by New York State Supreme Court Justice Carol E. Huff. The appeals court unanimously (4-0) found today that "the program was properly adopted."

The petitioners -- consisting of 10 industry groups and 2 individuals -- had argued that the pilot program exceeded the TLC's authority and that it violated several provisions of the New York City Charter and New York City Administrative Code, City rulemaking procedures, and State and City environmental statutes. In addition, they claimed that the pilot program would authorize medallion taxi owners to discriminate by impermissibly refusing service to passengers based on their appearance or location. Justice Carol E. Huff's lower court ruling rejected each of the petitioners' claims, and dismissed the lawsuit in its entirety.

Senior Counsel Ronald Sternberg of the Law Department's Appeals Division represented the City on the appeal. Senior Counsel Michelle Goldberg-Cahn of the New York City Law Department's Administrative Law Division handled the lower court case. From the Taxi and Limousine Commission, General Counsel Meera Joshi and Assistant General Counsel Keith Walsh worked on the case. Assistant Corporation Counsel Amy McCamphill of the Environmental Law Division also worked on aspects of the case.

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