



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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For Immediate Release

CITY PREVAILS IN ANOTHER FEDERAL CASE INVOLVING TAXI GPS SYSTEMS

TLC EMBRACED THE TECHNOLOGY TO IMPROVE CUSTOMER SERVICE

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New York, Dec. 28, 2007 – The New York City Law Department won a second federal case involving efforts by the Taxi and Limousine Commission (TLC) to install global positioning systems (GPS) in all New York City taxis in an effort to improve customer service. The GPS system electronically transmits vehicle information; provides drivers with text messaging; provides passengers with monitors displaying useful information, like maps, weather and Internet updates; and allows customers to pay with credit and debit cards.

The ruling, dated Dec. 21st and received recently by the New York City Law Department, involved a single taxicab driver appearing *pro se* (appearing as his own attorney). The plaintiff, Florica Buliga, claimed in his complaint that the GPS requirement violated his right to privacy. The City moved to dismiss the case, and the Court granted the motion, finding the plaintiff's privacy claims to be without merit.

U.S. District Judge Denise Cote of the Southern District noted, "Buliga does not and cannot reasonably dispute that the City of New York, acting through the TLC, 'has a substantial interest in promoting taxi customer service, taxicab ridership, and passenger and driver safety.'" She continued, "Considering the compelling government interest, and the minimal intrusion and privacy at stake, the TLC rule is reasonable...."

Judge Cote's decision follows a ruling on Sept. 27th in which a federal judge denied the request of the Taxi Workers Alliance and others to stop the TLC from implementing new regulations requiring taxicabs to install GPS systems. In that case, *Alexandre v. TLC*, a preliminary injunction request was denied, because the court found that plaintiffs were unlikely to succeed on their claims that the installation of a GPS system would violate their right of privacy and represent an unlawful taking of property. Since that decision, the TLC has moved ahead with requiring drivers to install the systems.

TLC Commissioner Matthew W. Daus said, "This decision is a true victory for passengers and the TLC's customer service technology program. We are pleased to report that almost 60 percent of New York City's taxicabs are currently equipped, and are eager for the day when these exciting new services are available to all taxicabs riders."

Corporation Counsel Michael Cardozo noted, "Today's ruling is significant, because it is another confirmation that the drivers' privacy claims have no legal merit. New York City's taxi drivers play a vital role in the life of this City. The Court found that their activities are being appropriately monitored by the

TLC in its efforts to provide the best customer service possible.”

[Editor's Note: The Sept. 27th decision involved a preliminary injunction, so the case is not over (although the Court said the plaintiffs are not likely to prevail); however, the Dec. 21st ruling – unless appealed – is a final determination.]

Tisha Magsino of the Law Department's Administrative Law Division led the legal team, with input from division attorneys Sheryl Neufeld and Mark Muschenheim.

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