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TLC'S ABILITY TO IMMEDIATELY SUSPEND LICENSES OF TAXI DRIVERS ARRESTED ON CRIMINAL CHARGES UPHOLD BY FEDERAL APPEALS COURT

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New York, March 25, 2011 – Today the Second Circuit Court of Appeals, a federal appellate court, upheld the Taxi & Limousine Commission's authority to immediately suspend the licenses of taxi drivers arrested for committing a felony crime or certain misdemeanor crimes, even when the arrest occurs in a non-work setting.

The petitioners -- the New York Taxi Workers Alliance and four New York City taxi drivers whose licenses were immediately suspended when they were arrested on criminal charges -- argued that they were entitled to pre-suspension hearings to make an effort to plead their case prior to the suspension of their licenses. Two of the plaintiffs had been charged with assault, a third with criminal contempt and criminal trespass, and a fourth with assault and menacing.

The City argued, and the Court agreed, that the TLC's concern for the safety of cab riders is paramount and that the hearing process does not violate the due process rights of drivers whose licenses are immediately suspended as the result of an arrest.

"This decision represents a very real victory for public safety," said TLC Commissioner David Yassky. "By upholding our ability to respond appropriately to felony and other types of arrests of our licensees with suspension pending the outcome of the case, the Court agreed with us that safety is priority #1 and we are both pleased and grateful for this."

The Court remanded to the lower court the question of whether the post-suspension hearings provided by the TLC are adequate, determining that further fact-finding by that court was needed before the sufficiency of those hearings can be assessed.

"We are pleased that the Court affirmed the TLC's important policy of immediately suspending the licenses of drivers who have been charged with serious crimes," said Gabriel Taussig, Chief, Administrative Law Division, New York City Law Department. "We are confident that the more detailed information sought by the Court about the hearings provided by the TLC will conclusively demonstrate that they are adequate and lawful."

Susan Choi-Hausman of the Law Department's Appeals Division handled the appeal, with assistance from Pamela Dolgow of the Appeals Division and Mary O'Sullivan of the Administrative Law Division, who was also the trial attorney. Charles Fraser, General Counsel of the TLC, also worked on the matter.

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