

# **Bond Case Briefs**

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## **NYT: Appeals Court Rules Bloomberg Plan for ‘Taxi of Tomorrow’ is Legal.**

A state appeals court on Tuesday ruled that a plan for a nearly uniform fleet of yellow taxis in New York City was legal, reversing a lower-court ruling and resuscitating a program enacted — and initially invalidated — under the Bloomberg administration.

Writing for the majority, Justice David B. Saxe of the State Supreme Court Appellate Division, First Department, said that the city’s decision to require nearly all fleet operators to buy the same vehicle, a Nissan NV200, was “a legally appropriate response.”

The plan, a cornerstone of Mayor Michael R. Bloomberg’s transportation agenda, was blocked in October, when Justice Shlomo S. Hagler of State Supreme Court in Manhattan said that the Taxi and Limousine Commission had exceeded its authority with the mandate.

Though the departing administration hailed the cab’s distinctive features, like transparent roof panels and “lower-annoyance” horns, critics seized on the choice of the Nissan because it was neither a hybrid nor wheelchair-accessible without modifications.

Mayor Bill de Blasio has opposed the vehicle, though his new taxi commissioner, Meera Joshi, was the commission’s general counsel as it fought for the cab in court.

A spokesman for Mr. de Blasio did not immediately return a message seeking comment.

Ms. Joshi said in a statement that the commission was “still reviewing the ruling and its implications, especially in view of the potential for further appeal.” She added that she was “gratified” by the court’s view of the commission’s regulatory authority.

The plaintiffs in the case, a group of yellow cab operators known as the Greater New York Taxi Association, said that the use of the taxi violates the Americans With Disabilities Act, a federal law, because the Nissan NV200 is a van; the act stipulates that for-hire vans must be wheelchair accessible, the group said.

“Fleet owners are now in the uncomfortable position of having to violate either local or federal law,” Ethan Gerber, the group’s executive director, said in a statement released Tuesday.

Many NV200s are already on the road, despite the absence of a mandate.

By MATT FLEGENHEIMER  
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