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## Federal judge tells cabbies to try the state if they want refunds

By **Jeremy Roebuck**, Inquirer Staff Writer

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Philadelphia taxicab companies may deserve refunds on regulatory fees tossed out by Commonwealth Court last year, but they will have to take it up with state authorities to get them, a federal judge has ruled.

U.S. District Judge Stuart Dalzell cited the state ruling that the Philadelphia Parking Authority's budgeting process and a fee structure imposed in 2004 was unconstitutional.

But, he added in an opinion released last week, he had no authority to order the PPA to pay back the money it had collected, saying such a ruling was a matter for the state courts.

Ronald Blount, head of the Taxi Workers Alliance of Pennsylvania, a union representing drivers, said that while he respected Dalzell's opinion, he still felt the city's cab companies should be repaid.

"When we're doing something wrong, I immediately get fined," he said Monday. "We would hope the PPA would have to pay, too, for having done something wrong."

Dalzell's decision is the latest development in a decade of contention between the city's cabdrivers and the authority, which oversees taxi and limousine service in the city.

Cabdrivers have accused the agency of saddling them with onerous fines, fees, and requirements - and they have repeatedly taken it to court.

In addition to the fee lawsuit filed last year, cab companies also successfully challenged a series of regulations the PPA sought to impose on city taxis in 2010.

Since taking over regulation of Philadelphia's taxis in 2004, the PPA has funded its administrative role with fees imposed on cab companies.

A PPA spokesman did not respond Monday to requests for a breakdown on how much the authority collected annually from cab companies under the old fee structure. Blount estimated that figure to be near \$5 million a year.

But unlike other state agencies, which must submit an annual budget proposal for legislative approval each year, PPA's annual budget was automatically considered adopted under state law unless legislators specifically opted to vote against it.

Commonwealth Court deemed that process - and the regulatory fees set under it - unconstitutional last year, saying it violated cab companies' rights to mount a challenge through the legislative process.

Dalzell found that since the fee process also violated the companies' rights under the Constitution, Commonwealth Court's decision should apply retroactively. But determining how to do that - whether in the form of a refund or some other remedy - should be decided by a state court, he said.

John Weston, a lawyer representing Z&R Cab and Zoro, the two taxi companies that served as lead plaintiffs in the federal lawsuit, said Monday he planned to pursue their claims before a state judge.

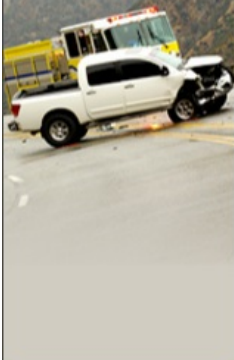
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**BigTazInPhilly** · a year ago

PPA is nothing more than a corrupt agency that has no one looking over their shoulder. They change and create regulations at will to do nothing more than collect money to pay off politicians and their board members with!

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**Aldridkg** · a year ago

Regulations are needed for vehicles which transport the public. For example, having taxi drivers complete vehicle safety classes, etc. is not a bad thing. Apparently, you don't hear about the craziness of how many taxi drivers and some of the medallion owners operate and the real conditions of some of these vehicles you ride in. One company last year was fined almost \$10K for charging higher base fare rates than those approved.

Unfortunately, I'm bound by a confidentiality agreement- therefore, I cannot elaborate more specifically on endless other reasons why the regulations are need.. However, trust me in that while some of these regulations are a pain, many of them are in your best interest.

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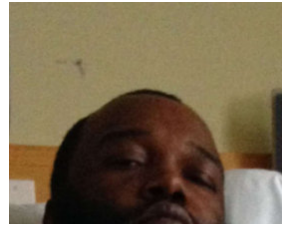
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