

Judge rules in cab case, sides with both cab companies, city

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Taxis are seen Tuesday, Oct. 25, 2011, at the Salt Lake City International Airport.

Scott G Winterton, Deseret News

SALT LAKE CITY — Two taxi companies that sued Salt Lake City over the way the city awarded taxi contracts will be able to move their lawsuit forward, a judge ruled Thursday.

Third District Judge Kate Toomey issued a decision Thursday that allowed the lawsuit filed by Salt Lake-based Yellow Cab Drivers Association and Ute Cab Company to move forward on five claims while dismissing 10 others.

"We're delighted that our complaint has not been dismissed," Yellow Cab attorney Don Winder said. "We realize that some of the causes of action have been dismissed, but others have not. Our case is still standing. It may have fewer legs, but it's still standing."

Toomey determined that the complaint states a claim that there were violations of equal protection and due process against Yellow Cab and Ute Cab, which are both local companies that currently hold licenses to operate on-demand taxi services in Salt Lake City and at Salt Lake City International Airport. "On-demand" refers to a taxicab company's ability to pick up passengers who flag down taxis on the street, at hotels or at the airport.

The legal action stemmed from the announcement that the Salt Lake City Department of Airports had awarded Ace Taxi Service of Cleveland, Ohio, and Total Transit of Glendale, Ariz., contracts to provide ground transportation at the airport and across the city. The companies were selected in a competitive bid process.

The new companies would replace Yellow Cab, Ute Cab and City Cab, whose contracts are about to expire.

Yellow Cab and Ute Cab had contracted with the city for years, but the Salt Lake City Council voted to turn ground transportation responsibilities over to the Department of Airports in August. Soon after, the department devised a plan to open taxicab contracting up to a competitive bid process. Ace Taxi and Total Transit were selected based on review of their detailed proposals.

But Toomey noted that the complaint should not be dismissed until Yellow and Ute Cabs — which offered proposals, but were not awarded contracts — had been able to exhaust all administrative appeals options. She issued a temporary restraining order in October that would put on hold any enforcement of taxi contracts and "maintain the status quo" at least until the appeals issue was resolved.

"Right now, it's business as usual," Winder said.

Salt Lake City attorney Wesley Robinson said his office can't comment on pending litigation. In Thursday's ruling, though, Toomey determined that, among other things, the city did not "exceed its authority" by implementing the new bid process.

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