

Cambridge says the new Mass. Uber law should end cabbies' complaints

A legal filing could set the stage for the cab industry to sue the state over the new law.

—John Tlumacki / *The Boston Globe*

By

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When Massachusetts lawmakers late last month [passed new rules for Uber and Lyft](#), they specifically included language making it impossible for cities and towns to set their own regulations on the ride-hailing services.

So in a Tuesday legal filing, the city of Cambridge used that provision as a shield in a federal lawsuit. A city attorney pointed to the measure and argued that the judge should dismiss the cab industry's demand that Cambridge hold Uber and Lyft drivers to its taxi regulations.

The move could set the stage for cab companies to sue the state to challenge the new law, which was one of [the most contentious issues](#) to be taken up by legislators in 2016.

[The federal suit was filed earlier this summer](#) by a group of taxi owners, claiming the city is violating their equal protection rights by regulating taxi services while not holding "transportation network companies" like Uber and Lyft to any standards.

They say the industries essentially provide the same service — picking riders up and dropping them off for a fee — and that a judge should therefore force the city to apply the city's taxi laws to the newer services. Cab companies in Boston filed a similar suit against that city in 2015, and another similar suit [is being heard in Chicago](#).

Jenifer Pinkham, an attorney who represents the cab industry in both the Boston and Cambridge suits, said in June that since state legislatures are [passing laws favorable to transportation network companies](#), taxi

companies see the court as their best recourse as business falls off amid the rising popularity of Uber.

In response to the suit, [Cambridge officials said in June](#) that they were considering new rules for the transportation network companies even as the legislature worked on the law that ultimately passed. But in Tuesday's filing, the city said it now has no power to regulate the newer ride-hailing services because of the new law.

"As such, the City cannot be faulted for its alleged failure to regulate TNCs, nor can it be mandated to do so going forward," Cambridge Assistant City Solicitor Anne Sterman wrote, arguing for dismissal.

The city called for separate counts in the cabbies' complaint to be dismissed on other grounds.

[In an interview the day after the legislature passed the Uber bill](#), Pinkham seemed to anticipate that the law could stifle the Boston and Cambridge lawsuits. She said the cab industry might instead sue the state, arguing along similar equal protection lines.

"Given that they're now regulating the industry this way, it will be necessary to bring the state in on this action," Pinkham said at the time. "This bill separately regulates the [transportation network company] industry and it does so in a way that violates equal protection."

In a brief email exchange Tuesday, Pinkham said that she would be working on taking that kind of action in the coming weeks.

U.S. District Court Judge Nathaniel Gorton — who is overseeing both the Cambridge and Boston suits — seemed [sympathetic to cabbies' arguments against Boston](#), ordering the city in March to explore revising its taxi rules to include Uber and Lyft.

But Boston Mayor Marty Walsh [has said the provision likely benefits his administration](#) because it might allow him off the hook from complying with Gorton's earlier order.

[Walsh nonetheless wishes the state gave the city more control over the industry](#). That's in contrast with Cambridge officials, who noted in the Tuesday filing that city councilors last year urged the state to quickly

regulate the industry. Sen. Jamie Eldridge, who worked to craft the law, has [said most city and town officials wanted statewide regulation](#), because it would take the issue out of their hands and establish a uniform framework across Massachusetts.

The law imposes the first regulations on Uber and Lyft in Massachusetts, but they are friendly to the companies. While the rules include a state-run background check, [a per-ride fee](#), and a requirement that drivers undergo an additional vehicle inspection, the companies have reacted positively, saying they are glad to have a law in place that allows them to continue to operate.

The law does not set any new rules for the taxi industry.

While cab companies have pushed for Uber and Lyft to be subject to their rules, cities and towns could also consider lightening some of their taxicab regulations, [some experts have suggested](#). The Pioneer Institute, a free market-focused think tank, [said in a report last month](#) that taxi companies may have a better chance of competing with the smartphone-based services if cities and towns gave them more control over their fare rates and allowed them to pick up passengers outside specific city limits.