

Fifth Circuit Holds that Dallas Taxicab Rule is Not Preempted by the Clean Air Act



Article By

[Edward M. Grauman](#)

[Karen M. Hansen](#)

[Madeleine Boyer Kadas](#)

[Laura L. LaValle](#)

[Bryan J. Moore](#)

[Beveridge & Diamond PC](#)

[Environmental, Land Use, and Litigation Law](#)

- [Utilities & Transport](#)
- [Environmental, Energy & Resources](#)
- [Litigation / Trial Practice](#)
- [Administrative & Regulatory](#)

- [5th Circuit \(incl. bankruptcy\)](#)

Sunday, June 30, 2013

On June 13, 2013, the Fifth Circuit Court of Appeals issued an [opinion](#) upholding a 2010 Dallas city ordinance that allows taxi cabs powered by compressed natural gas ("CNG") to have priority over gasoline-powered taxi cabs in lines for passengers at Dallas' Love Field airport.

The Association of Taxicab Owners, which represents gasoline-powered taxis in the Dallas/Fort Worth area, challenged the ordinance on the basis that it was preempted by the federal Clean Air Act, as it constituted a backdoor manner of regulating new vehicle emissions. A three judge panel of the Fifth Circuit upheld the ordinance, finding that it did not impose emissions controls either directly or through its indirect effects, as it did not create a mandatory standard compelling the conversion of taxi cabs to CNG and taxi cabs had alternative available methods to recover any losses derived from losing a place in line at Love Field.

© 2019 Beveridge & Diamond PC

Source URL: <https://www.natlawreview.com/article/fifth-circuit-holds-dallas-taxicab-rule-not-preempted-clean-air-act>