



CITY OF CAMBRIDGE

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June 20, 1996

Robert W. Healy
City Manager
795 Massachusetts Avenue
Cambridge, MA 02139

Re: *Taxicab Medallions*

Dear Mr. Healy:

The City Clerk, D. Margaret Drury, has requested my opinion regarding whether or not the License Commission can grant taxicab medallions in excess of 248 without a change in §5.20.060.

Section 5.20.060 of the Cambridge Code states:

The total number of hackney carriage licenses authorized shall be two hundred forty-eight, until October 1, 1988.

In my opinion, the word "licenses" in this section has the same meaning as "medallions."

Nothing in the Municipal Code makes any provision for the authorized number of licenses after October 1, 1988.

Authority for the regulation of taxicab medallions (hackney carriage licenses) is provided by Massachusetts General Laws, Chapter 40, §22 which provides, in part, that:

... a city or town may make ordinances or bylaws, or the board of aldermen ...

may make rules and orders, for the regulation of carriages and vehicles used therein, and may set penalties for the violation thereof; and may set and receive an annual fee for each license granted to a person to use any such carriage or vehicle therein Such rules and orders shall not take effect until they have been published at least once in a newspaper published in the city

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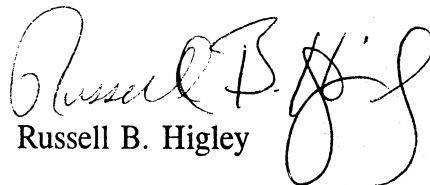
... every metered taxicab licensed under this section shall have the name or the trade name of the owner and the name of the city or town in which it is licensed painted on the sides thereof in letters not less than four inches high and one half inch wide.

Section 22 "has been construed broadly to authorize the city or town to set up licensing systems for hackneys and taxicabs and to fix the rates to be charged." Cambridge Taxi Co. v. City Manager of Cambridge, 322 Mass. 108, 110 (1947).

When the Cambridge License Commission was created, the Special Act which established it, St. 1922, c. 95, conferred authority on the Commission to grant licenses pursuant to M.G.L. c. 40, §22.

It is my opinion that the License Commission has authority to issue taxicab medallions in excess of the 248 existing medallions without further action by the City Council. There is no legal requirement that §5.20.060 be amended prior to an increase in the number of medallions.

Very truly yours,


Russell B. Higley

cc. D. Margaret Drury, City Clerk

S-353

Comm. & Rpts. City Officers #4

A communciation was received from
D. Margaret Drury, City City,
transmitting a letter from City
Solicitor Russell B. Higley,
regarding his opinion on whether or
not the License Commission can grant
taxicab medallions in excess of 248
without a change in \$5.20.060.

In City Council June 24, 1996

Placed on file