



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable James E. Kilday, Director  
Motor Transportation Division  
Railroad Commission of Texas  
Austin, Texas

Dear Sir:

Opinion No. 0-955

Re: Whether motor buses operating between the city of Bryan and the city of College Station must obtain certificates of convenience and necessity from the Railroad Commission, the city limits of Bryan and College Station being between 200 and 300 yards apart on one highway and one and one-half miles apart on another highway.

We are in receipt of your letter of June 9, 1939, wherein you advise us that the cities of Bryan and College Station are each incorporated, that there is a distance of about five miles from Bryan proper to College Station proper, but that the city limits have been extended such that now there is only about one and one-half miles between the city limits of said two cities on highway No. 6 (new highway) and a distance of between 200 and 300 yards between the city limits of said cities on highway No. 6 (old highway). You further advise that there are certain motor vehicles carrying passengers for hire now operating regularly over said two highways. You request our opinion as to whether or not the Railroad Commission would have jurisdiction over such motor vehicles and whether the operators thereof must obtain certificates of convenience and necessity from and be regulated accordingly by the Railroad Commission.

Article 911-a, Revised Civil Statutes, provides for

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the regulation of motor buses by the Railroad Commission. Section 1-c of said Article 911-a reads as follows:

"(c) The term 'Motor Bus Company' when used in this Act (Article 911-a; P. C. 1690-a) means every corporation or persons as herein defined, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled passenger vehicle, not usually operated on or over rails, and engaged in the business of transporting persons for compensation or hire over the public highways within the State of Texas, whether operating over fixed routes or fixed schedules, or otherwise; provided further, that the term 'Motor Bus Company' as used in this Act (Article 911-a; P. C. 1690-a) shall not include corporations or persons, their lessees, trustees, or receivers, or trustees appointed by any court whatsoever, insofar as they own, control, operate, or manage motor propelled passenger vehicles operated wholly within the limits of any incorporated town or city and the suburbs thereof, whether separately incorporated or otherwise."

Section 4-a of said Article 911-a reads as follows:

"(a) The Commission is hereby vested with power and authority, and it is hereby made its duty to supervise and regulate the public service rendered by every motor bus company operating over the highways in this State, to fix or approve the maximum, or minimum, or maximum and minimum, fares, rates or charges of, and to prescribe all rules and regulations necessary for the government of, each motor bus company; to prescribe the routes, schedules, service, and safety of operations of each such motor bus company; to acquire the filing of such

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annual or other reports and of such other data by such motor bus company as the Commission may deem necessary."

Section 4-b of said Article 911-a reads as follows:

"(b) The Commission is hereby vested with authority to supervise, control and regulate all terminals of motor bus companies, including the location of facilities and charges to be made motor bus companies for the use of such terminal, or terminal; provided, that the Commission shall have no authority to interfere in any way with valid contracts existing between motor bus companies and the owner or owners of motor bus terminals at the time of the passage of this Act. (Article 911-a; P. C. art. 1690-a)"

Section 5 of said Article 911-a reads in part as follows:

"Sec. 5. No motor-bus company shall hereafter regularly operate for the transportation of persons as passengers for compensation or hire over the public highways of this State without first having obtained from the Commission under the provisions of this Act (Article 911-a; P. C. art. 1690-a), a certificate or permit declaring that the public convenience and necessity require such operation; . . ."

There is no need for the purposes of this opinion to copy further from the above statute. It is evident from the quotations which we have given that the Railroad Commission is vested with authority to supervise and regulate the public service rendered by every motor bus company operating over the highways in this state. Section 1-c of said Article 911-a defines the term "Motor Bus Company." Briefly it includes every person or corporation operating any motor propelled passenger vehicle except railroads and engaged in the business of transporting persons for compensation or hire

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over the public highways of this state. There is excepted from this definition those which are operated wholly within the limits of any incorporated town or city and the suburbs thereof, whether separately incorporated or otherwise. From the facts which you submit to us there is a short strip on each of the highways connecting these two cities which is not within the corporate limits of either of them and over which motor vehicles carrying passengers for hire are now operating regularly. However short a piece of highway may be, jurisdiction is given by the statute to the Railroad Commission to regulate the operation thereon of motor vehicles carrying passengers for hire unless such highway be within the limits of an incorporated town or city and the suburbs thereof. Our answer to your question is an affirmative one.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Glenn R. Lewis*  
Glenn R. Lewis  
Assistant

GRL:FL

APPROVED JUN 24, 1939

*Gerald B. Mann*

ATTORNEY GENERAL OF TEXAS

