



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Edgar A. Maddox  
County Attorney  
Mineral Wells, Texas

Dear Sir:

Opinion No. 0-350A  
Re: Whether Camp Walters is  
a suburb of the City of  
Mineral Wells.

We have your letter of May 2, 1941, submitting  
the following facts and questions arising thereunder:

"1-

"The Rail Road Commission, claiming jurisdiction by virtue of the provisions of Article 911a of the Revised Civil Statutes of this State, has granted to the Army Camp Bus Line, a certificate of necessity and convenience to operate a bus line over Highway 80-A into the City of Mineral Wells, a distance of approximately 2.3 miles, and said company is now operating its buses over said route into the City of Mineral Wells and over its streets, to a designated depot. Said Company has no franchise from the City of Mineral Wells for its operations but asserts that by virtue of its certificate from the Rail Road Commission it has the right to come into the City and load and unload passengers.

"2-

"The City of Mineral Wells, Texas, has granted to the City Bus Company, a corporation, a franchise to operate buses in the City of Mineral Wells and over and upon its streets. Said company is now enjoying such franchise and has its buses in operation carrying passengers over various

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streets of said City and its suburbs.

"3-

"The City Bus Company has filed an application with the Commissioners Court of this County, for a permit to operate over the public roads leading to Camp Walters from the City of Mineral Wells, in accordance with the provisions of Article 6548 of the Revised Civil Statutes; and is contending that the Rail Road Commission of Texas, had no jurisdiction to grant a certificate of convenience and necessity to the Army Camp Bus Line, for the reason that Article 911a specially excepts from the jurisdiction of the Rail Road Commission operation of bus lines in incorporated towns and cities and their suburbs. It being further asserted that Camp Walters is in fact a suburb of the City of Mineral Wells.

"4-

"It is further contended that the Rail Road Commission of Texas being without jurisdiction to grant a permit or certificate to the Army Camp Bus Lines or Camp Walters Bus Line, and the corporation not having a franchise to operate in the City of Mineral Wells, its operations are illegal and in violation of the penal laws of this State.

"5-

"In order that you may have a picture of the true physical facts, we are attaching a map or plat reflecting the situation of Camp Walters, various business houses, enterprises and residences with reference to Highway 89-A and the City Limits of the City of Mineral Wells, Texas.

"6-

"In addition to the facts revealed by the attached map or plat, the following uncontroverted facts are asserted as showing that Camp Walters

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and the area between Camp Walters and the city limits of the City of Mineral Wells, is in fact a suburb of said City.

"(a) The City of Mineral Wells owns and maintains a water works system and sells and distributes water to customers within and without the corporate limits of said City; and is under contract with the Federal Government to supply all water needed in the operation and maintenance of Camp Walters.

"(b) The City of Mineral Wells owns Lake Mineral Wells lying east and beyond Camp Walters, and owns and maintains a water line which passes through Camp Walters and adjacent to Highway 80-A.

"(c) The corporate limits of the City of Mineral Wells have been extended so as to include Lake Mineral Wells and the pipe line leading from the lake into the City.

"(d) The City of Mineral Wells furnishes and supplies water to many of the places of business, residences and enterprises adjacent to Highway 80-A, which are located between Camp Walters and the City limits of said City, at the same rates promulgated and charged customers within the corporate limits of the City.

"(e) Camp Walters, and the business houses, residences and other enterprises adjacent to Highway 80-A, and between Camp Walters and the city limits of the City of Mineral Wells are supplied telephone service through the central office of the Southwestern Bell Telephone Company.

"(f) Camp Walters, and the business houses, residences and other enterprises located adjacent to Highway 80-A and between Camp Walters and the city limits of the City of Mineral Wells, are supplied with electric current by the Texas Power & Light Company, through its transformer station located within the City limits of the City of Mineral Wells, and the same rates are charged

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for such service as are promulgated and charged to inhabitants within the corporate limits.

"(g) The Brazos River Gas Company furnishes and supplies natural gas to Camp Walters, and to the business houses, residences and other enterprises adjacent to Highway 80-A, and between Camp Walters and the corporate limits of the City of Mineral Wells, and charge the same rate made to similar customers within the corporate limits of the City.

"(h) The City of Mineral Wells owns the land upon which Camp Dallas (Shown on the attached map), is located, and furnishes said camp with water. Said camp is also furnished with electric current by the Texas Power & Light Company.

"(i) Old Camp Walters, the National Guard Camp of the 56th Cavalry Brigade, lies between new Camp Walters and the City, and is furnished and supplied with water by the City, and is supplied with electric and telephone service in the same manner as New Camp Walters.

"(j) The City of Mineral Wells leased from the owners thereof some 10,000 to 12,000 acres of land, and then sublet to the Federal Government the site upon which Camp Walters is situated, and the City of Mineral Wells is paying some \$12,000.00 per annum for said leases in excess of what it is receiving from the Federal Government for a sub-lease.

"(k) The City of Mineral Wells, has over a period of years undertaken to extend to all business houses, residences and other enterprises located adjacent to Highway 80-A and within the area now alleged to be a suburb of said City, a water service, from its pipe line extending from Lake Mineral Wells into the City.

"Considering the foregoing facts we would appreciate your answer to the following questions:

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"(1) Does the Rail Road Commission of Texas, have jurisdiction to grant a certificate of necessity and convenience over Highway 80-A from Mineral Wells to Camp Walters?

"(2) Under the foregoing facts is Camp Walters and the area lying between Camp Walters and the corporate limits of the City of Mineral Wells, a suburb of said City, as a matter of law?

"(3) Does the City Bus Company by virtue of its Franchise from the City of Mineral Wells, have the right to operate over Highway 80-A to Camp Walters?

"(4) Does the Commissioners Court of Palo Pinto County, Texas, by virtue of Article 6548 of the Revised Civil Statutes have jurisdiction and authority to grant the application of the City Bus Company for a permit to operate its buses over Highway 80-A, and other Public Roads to Camp Walters?"

As noted in your letter the Railroad Commission granted a certificate of convenience and necessity to the Army Camp Bus Line, presumably after a hearing and having reached the conclusion that it had jurisdiction. Article 911a, Vernon's Annotated Civil Statutes, places motor bus companies under the regulation of the Railroad Commission. A reading of Section 1 (c) shows that such a carrier is not subject to regulation if it operates wholly within the limits of a city and its suburbs. On the other hand if any of its operation is outside the limits of a city or its suburbs it is within the jurisdiction of the Commission and subject to regulation. Hence, the answers to your inquiries depend upon the question as to whether or not the territory between the Camp and the city limits of Mineral Wells is a suburb of such City. While a considerable part of the facts which you submit tends to show that it is such a suburb, it is apparent that the Railroad Commission thought differently after hearing the evidence on the Camp Bus Line application.

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Whether the roads traversed in going from the City of Mineral Wells to Camp Walters lie within the suburbs of the City is a question of fact. Hence, we regret our inability to answer your questions. We enclose a copy of our Opinion No. O-2737, which is somewhat more elaborative of our position.

APPROVED MAY 14, 1941

*George B. Allen*

FIRST ASSISTANT  
ATTORNEY GENERAL

Yours very truly

ATTORNEY GENERAL OF TEXAS

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

CRL:lh

