

Opinion No. 31-167

May 21, 1931

BY: E. K. Neumann, Attorney General

TO: Mr. Joseph S. Baca, Chairman, Motor Transportation Dept., State Corporation Commission, Santa Fe, New Mexico.

{*77} By your letter of May 21st, together with copy of letter from W. S. Lynch, Secy., Motor Carriers Assn. of New Mexico, dated May 20th, an opinion is desired as to whether the Corporation Commission has jurisdiction over bus and truck terminals.

As stated in both letters, to which reference is above made, no mention is made in the 1929 Act of this particular matter. Your attention, however, is directed to Section 11-1002 of the New Mexico Statutes Annotated, 1929 Compilation, and which is a section of Chapter 129 of the laws of 1929, and which covers motor vehicles operating as common carriers over the highways in this State.

Under this section, the State Corporation Commission is vested with the power and authority and it is made its duty to supervise and regulate all motor carriers doing business in this State. In addition to its power to supervise and regulate bus fare and reasonable rates, the commission is empowered as follows:

"To regulate and supervise the service and safety of operation of such motor carriers; . . . and to supervise and regulate such motor carriers in all other matters affecting the relationship between motor carriers and the traveling and shipping public. The Corporation Commission shall have the power and authority by general order or otherwise to prescribe rules and regulations in conformity with this act applicable to any and all such carriers; and shall have the power and authority to make such orders and to prescribe rules and regulations affecting such motor carriers as may be necessary to carry out the purposes of this act."

The title of the Act reads as follows:

"An Act relating to the supervision and regulation of the business of operating motor vehicles and common carriers as common carriers upon the public highways, and prescribing the compensation to be paid for the use of such highways in carrying out such business."

From the title of the Act it is revealed that it relates to the supervision and regulation of the business of operating. Section 11-1002, above quoted, gives the commission the right to supervise and regulate such motor carriers and all other matters affecting the relationship between motor carriers and the traveling and shipping public. The operation and conduction of a bus terminal is certainly a matter in which the traveling and shipping

public is deeply interested and concerned, and it is, no doubt, a matter which affects the relationship between the motor carriers and the public.

The commission has the right to regulate and supervise, under this section, the service and safety of operation of the motor carrier, and the conduct and operations of the terminal are certainly within the contemplation of this provision as being a part of the service and safety of the operations of the motor carrier.

The actual transportation is of necessity closely related to the operations in the terminal, and, it is therefore my opinion, in view of the comprehensive title and in view of the broad powers delegated to the commission by virtue of the above section, that the commission does have jurisdiction to regulate and supervise bus and truck terminals, looking at all times to the safety and protection of the traveling and shipping public.

By Frank H. Patton,

Asst. Attorney General